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VOLUME

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IN THE SUPERIOR COURT,

State of California, County of Sacramento.

OCTOBER SESSION, 1881.

HON. JACKSON TEMPLE, - - - - - PRESIDING JUDGE.

WINFIELD J. DAVIS, OFFICIAL REPORTER.

SAMUEL OSBOURNE AND WILLIAM M. CUTTER, REPORTERS.

The People of the State of California,
vs.
The Gold Run Ditch and Mining Co. }

COUNSEL:

For Plaintiff,

HON. A. L. HART, Attorney General, GEORGE CADWALADER, ISAAC S.
BELCHER, A. L. RHODES, RICHARD BAYNE.

For Defendant,

J. K. BYRNE, W. C. BELCHER, S. M. WILSON, W. T. WALLACE, A. B.
DIBBLE, A. P. CATLIN.

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of the State of California
in and for the County of
Sacramento

The People of the State of California	} Friday Decr. 23 rd 1881
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Winfield J. Davis
Official Reporter

In the Superior Court
of the State of California
in and for the County of
Sacramento

The People of the State of California	} Friday Dec. 23 rd /81
vs. The Goos Run Ditch and Mining Company	

Morning Session

Testimony

of
John McBeth

Cross - resumed

Mr. Cadwalader What is the char-
acter of this adobe soil?

A Well it is a black mold,
quite a black soil, dry.

Is Black stiff clay, is it not?

A Well, it is not clay. more
of a vegetable soil

Q It gets its color I suppose

for the vegetable mold in it, does it not? A Moles, you see.

Q But suppose you step in it, is it very sticky, very hard to get your foot out?

A Yes, sir, when it is wet.

Q It is what is called cold land, is it not? A. I do not know sir, it resembles coal

Q It resembles coal in color?

A Yes sir.

Q But it is what is called cold land is it not? A I do not know.

Q Well, it retains a great deal of moisture? A In the winter it does, but in the summer season, it dries up and cracks clean to the hard pan.

Q The trouble generally is, the moisture, is it not, in the way of cultivation? A. Not in the summer, in the winter there is too much generally.

Q You say the addition of a foot of shales, helps it?

A Yes sir.

Q Is the clay in the shales

Q. The sand in the shikens that helps it? A. Well, there

is not a great deal of sand in shikens, it is generally very fine

I Well, you know what shikens is composed of, don't you, clay and sand?

A. Yes sir, I expect so.

Q. But the clay in the shikens would make the adobe more sticky comes it not, while the sand sharpens it up a little and makes it work?

A. Yes sir

Q. That is the advantage to the adobe from the shikens?

A. Sand itself comes to an advantage to adobe alone with any clay in it

Q. Any thing that comes lighten it up a little, sharpen it up?

A. Yes sir

Q. It would make it like a loam, or a sandy loam?

A. Yes sir

Q. This sediment I suppose cracks does it not after it gets dry?

A. Well, where the sediment has run on for a while and

after the water is shut off
and it dries, it cracks. I suppose,
an adobe does.

Q It cracks so that you can see
down to the usual soil?

A Yes, well it is just about
over it.

Q Well now, tell me whether
the plow breaks up shickers?

A The plow breaks up shickers,
yes sir, or a harrow or any-
thing.

Q Dont it leave it in lumps
the first plowing?

A Yes sometimes when going
over a flat place.

Q It takes two or three plowings
to get it fine, does it not?

A No, plowing and harrowing
generally makes it fine.

Q Well, you find it in lumps
in the black soil, dont you,
shickers, for a year or two
after it is mixed?

A No sir, it is always worked
right away after it is plowed.

Q You are sure of that are
you?

A Yes sir.

Q You mentioned the names of four farmers that has used it, Garrett Keppel, Munn and the bank of Chico?

A Yes sir and Harrison
I that makes four?

A Yes sir

Q You say you plowed up there, did you plow up these 10 inches deep?

A It depends upon the depth of the shakers at the time. May be you would not go more that 4 or 6 inches at a time

Q Well, you states to Mr. Belcher or to Mr. Dobbe that they plowed it 10 inches deep?

A They do after a while, we plow generally 10 inches deep

Q What would be the effect of the flow of a foot of shaker on an alfalfa field?

A I think it would kill it
I would it not kill any kind of vegetation? A Yes sir, while it was growing, but where it is not growing and

Then mix it up, it comes not
 Q It would check it?

A It would be apt to, a foot
 of it

Q It makes a kind of mold
 and gets hard? Ayessii

Q It will prevent the respi-
 ration of any kind of a plant?

A No sir, there is no trouble
 about the respiration, it does
 it, the moisture rises up from
 below

Q Would it not kill a growing
 crop, would it not stop res-
 piration? A Well, I say
 water would kill it just as
 soon as slickens would

Q Any quicker? A I do
 not know that there is much
 difference, any thing that would
 stop the respiration

Q You could run water for
 3 or 4 days over a growing crop
 to its advantage?

A In certain seasons of the
 year, yes

Q But you could not run the
 same quantity of slickens

A. Not over a growing crop,
you could run it over the land
and beneath the land but not
over the crop.

Q. One would kill the crop
and the other would help it.

A. It would help the land

Q. I am speaking of the crop?

A. Well, it would kill a crop,
I think.

Q. But the water would not?
a year since it would. I think it
would.

Q. Well, run it for 3 or 4 in-
ches in the winter or spring
of the year? A year since, it
is apt to kill it, it is apt
to hurt it.

Q. You do not believe there
is irrigation do you?

A. To a certain extent, but
not that deep.

Q. Three or four days?

A. Not a foot deep.

Q. Well, say 6 inches?

A. Not yet 6 inches.

Q. Well, say running over
the ground then?

A. In the winter time there is no land that requires irrigation.

Q That is not what I ask you, would not it be a good thing to have some of that land irrigated in the summer?

A Yes, in it is done very frequently, up there.

Q. After the crop is growing. Now suppose that you were to run the same quantity of shakers over a crop it would kill it, would not it?

A Yes, if you were to run more than an inch over it, or so, and such would not kill it but more than that would be apt to.

Q Do you say there is any vegetable mold in the material that is going out of the Spring Valley mine - Is there any vegetable molds in the material coming out of the Spring Valley mine? A I do not know, it is principally clay, the shun is made of up there, I guess

it is a sort of vegetable mold
 Q It is made principally
 of what? Allay, yellow
 clay, red clay. On the top
 of the bank there is may be
 a foot or 18 inches of that mold
 on the top, and afterwards
 there is a bank of clay.

Q I am asking you whether
 there is any vegetable mold
 in that material that has
 been worked in the last 3 years,
 in the Shing Valley mine?

A. Yes sir, there is a top bank
 of vegetable mold and then
 there are a good many also drift
 and so forth in the claim,
 the only vegetable mold that
 I know of.

Q How far from the surface?
 A Oh! there are some of them
 100 feet from the surface, the
 old logs and a sort of clay
 looking banks, a kind of veg-
 etable mold.

Q They have been working under
 the banks for the last 3 years
 A Yes Sir

Q. About 400 feet from the surface?
 A. No, not 400 about 200 or 200 feet I should think.

Q. Well, what kind of material have they been working?

A. Well, on the top there may be about a foot or 18 inches of alluvial soil and they had about 100 feet of clay bank.

Q. Where is the alluvial soil?
 A. Well, it is on the surface of the ground.

Q. Have they been working any part of the top of Table Mountain, in the past few years there?
 A. They have been working not on the top of the mountain but on the hillside, along the side of the mountain.

Q. As a matter of fact they have not worked any of the top either this year or the year before?
 A. Yes sir. There is some of the top there that they have reworked.

Q. You mean where it has eroded?

A. Yes sir. Q. But otherwise they have

been working in what is called the pit?

A. They are working the level bottom

Q Well what kind of material is that ~~the~~ composed of?

A Rotten boulders sand and clay.

Q Rotten boulders sand and clay? A Yes sir, yellow looking boulders, something the color of that <referring>

Q The sand there is quartz sand is it not? A Yes sir quartz sand altogether.

Q Well now do you saw that there is any vegetable matter in that? A None in that

Q Do you believe this slickens soil would be improved by the addition of manure? A I do not know

Q You do not know? A I never have seen it tried

Q Do you know if vegetable mold is simply manure?

A I do not know

Q But you are not prepared to say whether you would like to have the slickens manured or not? A No I would not on the sand. It

would grow too much straw

Q But I mean manure, decayed decomposed vegetable matter? Alwell I think it would raise too much straw for the crops. It would fall down

Q I am talking about stickers whether you would like to have vegetable manure or mould added to the stickers on your farm. I am not talking of anything else now, except a stickers farm. I want to know if you would like to have any vegetable mould or manure added to it, or whether you can get along just as well without it? A I would not want it on my farm

Q You would not want it? Ans sir

Q What class of soil would you have without it? First second or third class? That is without vegetable mould and manure in it?

A. I would not want it manured by adobe or slickens either

Q I have not asked you that. That is not my question. I ask you what class of land you would have with slickens having no vegetable manure in it, first, second or third class? A First class

Q It will be first class?

A Yes sir

Q You are satisfied of that are you? A I am according to the crops that grow on it

Q That is the kind of land you want; slickens without any vegetable mould or manure in it? A I do not know what it is composed of altogether

Q That is what you say: Slickens is a manure is it?

A Slickens raises very fine crops

Q But Mr. Sibble says that slickens is a manure of itself. Is that your idea?

Q It must be composed of something of the kind for it raises very fine crops

Q Is slickens a manure of itself? Is it a fertilizer?

A It is used as that to a certain extent

Q But is it? Ayes sir I think so

Q What kind of soil?

A An adobe soil

Q Now suppose the original soil instead of being adobe soil was sandy loam, black sandy loam?

A I don't know as it would do so well there. I do not know. I have not seen it tried there

Q If you had a farm of black sandy loam that was easily worked you would not want any slickens on it would you?

A I think not. I do not know. I never made a trial of that

Q I suppose your farm was

run to the extent of 2 or 3 feet deep with slickens what would become of your fences, barns, outhouses and trees? A very easy there is plenty of low land yet to put it on without touching either of them. In that part of the Country we have no fences

Q You would not want any fences would you? A We haven't got any. I do not know of a fence in 20 miles square there except garden fences.

Q After the slickens gets on your land can you cross it until it gets dry? A No not handily

Q You cannot drive cattle over it? A No, not until it gets dry

— — — — —

Testimony
of
Lewis Posey
Called for deft Sworn

Mr Wibble Q Where do you reside?

A In Butte County

Q How long have you resided in California? A Since 1849

Q When? A Some time in September, I came to Sacramento.

Q How long did you reside here? A I remained here about three weeks and went up to the mines and remained in the mines until the first heavy rain and then went up to the mountains

Q How long did you remain here then? A I remained until the 7th of February 1850.

Q What was the condition of the City at that time with reference to water and floods during the time that you were here? A We had a good deal of water, in

1849 the big flood was I think about the 18th of January

Q How big was it?

A It covered the whole country

Q To what depth? Alwell
I could not say. Most of the
citizens moved out of town
in boats

Q Where did they go?

A Every place where they
could find high land

Q Do you recollect a place
of the name of Stoboken?

A I do not recollect that.
I remember Poverty Hill — I
went to Poverty Point. I believe
it was

Q You went to Poverty Hill.
Give instances as to the
flood of January 1850?

Alwell we went to the St
Louis Exchange on a ferry
boat. We went out on a ferry
boat on the Sacramento River
and in going out we tried to
touch bottom at some places
and could not do it. At other
places we could find it three

or four feet deep. We saw no
land for two miles going on
our way out.

① Give any especial instances
with respect to the depth of
the water at that time, for
instance in reference to cattle
or horses or anything of that
kind? As well sometime along
about the first of February I
had some horses down about
Sutterville, about two miles
from here on the opposite
side of the river and I took
a little boat, I had a little
hunting boat out there and we
went down in the boat across
the river and went over to
see the stock and I saw the
man who had the stock
and he said that all that
was left of the mine was one
animal and he said that
had got up so high on the
grape vines —

Worst and I object to what
anybody said

a It was the man who had

my stock ranching

The Court Tell only what you saw? A well it just brings the circumstance around the says I have got one animal and you can see for yourself, that that was the only that was left in the corral and the marks upon a tree at that time were from 12 to 14 feet high and the water had left the marks and this was here 2 miles from the river. That is the only place I observed on that occasion

Question How many of your animals did you lose at that time by reason of the immense flood that was here?

a There were 10 put down there and one I got

Q One was saved and ten were lost? A Yes sir

Where is Poverty Hill?

a It is down south about 2 miles from here I should think

Q But in this direction.
Ayes, that is the way we
named in those days.

Q At the time you were here
in 1849 and 1850 how many
vessels were there here at
Sacramento, or craft?

A There was quite a number

Q How many

A Oh I could not say

Q Half a dozen or a dozen?

A I think probably 25

Q Are you acquainted with
the lands upon Saw Mill
Ravine and below it in
Butte County? Ayes

Q And Dry Creek?

Ayes sir

Q Do you know what are
rediment lands or slickens
lands? Ayes sir

Q State if you know what
amount of territory is covered
there with slickens?

A It extends down over
the plains you mean.

Q Yes sir, what are called
B 418 slickens lands, about how

many acres? Alwell I should suppose about 2000 acres

Q How much experience in the farming of stubble land, if so when and where. in reference to that district?

A In 1876 I farmed 4000 acres at Dry Creek. The bottom soil was adobe. I think about 200 acres of it was covered with stubble from 6 inches to 3 feet. The other 200 acres not so deep

What kind of crops did you produce?

A Very good wheat, 45 bushels to the acre on 200 acres

Q How does that compare with the production of the original soil, the adobe?

A I think about 25 per cent better

Q How much?

A About 25 per cent better than the adobe.

Q. I understand you 25-
per cent better? A. Yes

Q. On the slickens land?

A. Yes

Q. What was the difference
in the value of the land
when slickens covered it
from 6 inches to 3 feet
deep, with reference
to the value of the land
prior to the putting of
the slickens upon it?

A. Well, it increased
the value of it.

Q. How much did it
increase the value of
the land itself?

A. The land itself
sold at \$30. an acre at
that time, and before this
slickens was on, it sold
for \$22 an acre

Q. How much?

A. It sold for \$22. an
acre before, and after
the slickens was on it
it sold for \$30 an acre.

Q. What kind of soil

was produced with slick-
ens from 6 inches to 3
feet deep deposited over
it? On the land?

A On the land?

Q. What kind of soil
was produced by the de-
posit of 6 inches to 3
feet of slickens upon
the land?

A What kind of deposit?

Q. What kind of soil was
made? A Oh, after it
was ploughed up, it
became sandy and
loamy; just like bottom
lands.

Q. What is the fact of
the deposit of slickens
upon the land, with
reference to its retain-
ing moisture?

A Well, I think it
retains it better than
adobe land.

Q. When mixed with
ordinary red soil of
the plains, what is the

effect of the slickens?²

A I think it will have a very good effect.

Q. What has been the result of the deposit of slickens on the lands of your neighbors?

A About the same as I have stated - a good effect.

Q. State the parties who have used slickens in fertilizing their lands? State their names?

A Keppel has been using it, and Harrison Bros, of Chico Bend.

Q. What others? If you remember others, state them? A Well, the others, it has been on the land as before. They have been cultivating that which was covered with slickens.

Q. About how many others have had their lands covered with slickens?

and have been cultivating the lands? A About 500 acres owned by a banker of this city, has been covered with slickens. The land belonged to Rodgers & Bros.

Q. Mr Hart- What banker do you refer to?

A. I think Corleton is the name

Q. Joshua Carroll?

A. Yes. He has 500 acres covered with slickens. Harrison & Bros have 300 acres right adjoining

Q. Mr Dibble How many acres of land has he kept? A. I think about 600 or 700 acres. I am not positive, though

Q. Of slickens land?

A. Yes

Q. What has been the effect of the slickens, so far as production

is concerned? Upon the 600 or 700 acres of Steffel, you refer to?

A I have not seen it. I only know what he told me.

2. What has been the effect of slickens upon land, with reference to the fullness of the wheat berry, and in the increase of the amount of wheat?

A The grain is more plump, fills better. The ground retains the moisture, and it takes a little longer time to mature.

Do not cut off by the north winds.

2. In your own farming where was your best wheat raised? On adobe or slickens land?

A On slickens land.

2. On pure slickens land? A Yes.

2 State whether there

be any difficulty in breaking slickensland with the plow?

A No. I did not find any difficulty at all. It is easier broke, I think, than most any ordinary land

2. How many parties do you know of, if you know of any, who have put gates into the canal of the company, and taken the water and slickens on their land, for agricultural purposes?

Mr Hart We object to that as irrelevant and immaterial:

Objection overruled

A. I know of farmers wanting to put in the gates, wanting the water, wanting the siltiment. But I do not know who they are

Cross Examination of

Lewis Posey

Mr Hart- What is your occupation? A Farming

Q. How long have you been farming?

A I have been farming since 1854. Farming and raising stock has been my business

Q. Have you been confining your occupation exclusively to farming?

A Not Exclusively

Q. What else has been your occupation?

A I say I have been raising stock, also

Q. What else?

A I was merchandising for a year or two

Q. What else?

A Nothing else

Q Have you never had anything to do with the mines?

A Not since '52

Q Whose land have you been farming?

A. I was farming the Cherokee land

Q. The land of the Cherokee Mining Company?

A Yes

Q. Are you occupying land now belonging to the Cherokee Mining Company? A No,

Q How long since?

A It has been 5 years ago

Q. 1876? A Yes

Q. You say you were in the City of Sacramento in 1849? A Yes

Q. Where is Poverty Hill? A We called it south of this city then, 2 miles

Q. South of the city? A Yes

Q. Directly south?

A I think it was

Q. You went down

the river to it; did you not? A No. We went across probably a little east of south.

Q. Across which way?

A I do not know as I could describe it.

Q Did you go out any particular street?

A No. We went on the ferry boat.

Q. I mean at that time when travelling over the roads?

A Well, I did not travel over the road there. I travelled in the ferry boat in going out. And in going out we ran against the house, and knocked it down; we had some little turns to make.

Q. Where did you undertake to ascertain the depth of the river, and fail to find bottom?

7858 A I did not try to find the bottom of the

the river

Q. I understood you to state that you undertook to find the depth, and could not find the bottom?

A. Oh, that was out here in the plains

Q. How far out?

A. Going out all the way, two miles

Q. Could you not find bottom at all?

A. We did not in some places. We went down, and could not find the bottom

Q. Where was that?

A. It was going from this city out to Poverty Hill

Q. What part of the city were you going from?

A. We went from the St Louis Exchange. I do not know what street it was located on; I think probably on Front,

and probably 3 or 4 blocks
from the river

Q. From the Sacramento
River? A Yes. It was a
hotel

Q. Who was with you
at that time?

A I do not know who.
There were four young
men that loaded the
boat out from the Ex-
change Hotel. I went
as supercargo of the
boat, in charge

Q. How many times
did you go out and
back? A I only went
once in the boat

Q. What were you do-
ing out at Poverty Hill?
What did you go out
there for?

A We went out there
to get out of water

Q You did not go out to
Hoboken where the other
people were

A Quite a portion of the
town went out where I
did

Q Went out to Poverty
Hill

A Yes

Q Were there any houses
there

A No, they were all
tents, Canvas houses

Q Did you Count the
vessels that you saw
that year

A I did not count them
I frequently passed
down on the levee

Q How long had you
been living in Sacramento
at the time that flood
came?

A I think I came in
October, the first heavy
right have been the first
of November

Q What occupation were

you pursuing here at that time?

A I was doing nothing here then. I was a miner.

Q Did you spend a great deal of your time on the wharf?

A I do not know that I did. I used to walk around some times when it was pleasant.

Q Did you have anything in particular at that time to call your attention to the number of vessels that were harbouring here?

A Not a thing.

Q Have you had anything since that time to call your attention to the number particularly?

A Not that I know of.

Q Your recollection in relation to the number, at this time, is a rough guess?

A Yes

Q There might have been 75 instead of 25?

A Yes there might have been.

Q Where is Saw Mill Ravine located?

A It is in Butte County near the Cherokee mine, running up to the mine.

Q And Dry Creek?

A Dry Creek is about a mile below, the Ravine runs into Dry Creek below

Q Dry Creek is a mile from where?

A Probably two miles from Cherokee.

Q Does it run through Saw Mill Ravine?

A No they come together

Q Saw Mill Ravine is a creek then is it?

A Well I guess it is a little River probably in the rainy seasons and Dry in summer

Q It is a low place or

Channel through which the winter floods run?

A I think so.

Q Whose land did you say you were farming in '76

A I farmed about 400 acres of the Cherokee land which

Q Are you sure there was 400 acres?

A Yes they were

Q Were you a witness in the case of James H. Keyes against the Little York Gold Washing and Water Company Limited

A I was farming my own land and other lands.

Q I ask you if you were a witness in that case?

A I was

Q Were you examined upon this same subject?

A I think I was

Q Were you at that time

Asked how many acres
you farmed on Dry Creek
in Butte County, of these
lands covered with sed-
iment?

A I guess so.

Q Did you make answer
to that question at that
time?

A I presume I did

Q Did you not testify
at that time as follows:

"First, have you had
experience in farming in
the sedimentary land.

Answer Yes. I have put
in several crops in sed-
imentary land. Q State when
and where? Answer in 76

I plowed about 200 acres
on Dry Creek Butte County
and harvested it in 77. =
Was that the answer you
made?

A I do not recollect now.

Q Is it not a fact that

you did cultivate about
200 acres of sedimentary

land and no more in Dry
Creek Butte County in '76 }

A No it is not a fact.

Q And if you stated so
at that time you were
mistaken }

A Mistaken, Certainly

Q How much better do
you say this sediment
makes this land?

A More valuable?

Q Yes

A Well I think 25 per e
cent.

Q Is that the result of
an accurate calculation
in your own mind?

A I do not know as it
would be accurate

Q How long has it been
your opinion that it is
25 per cent better?

A Ever since I farmed it

Q I will ask you whether
or not you did not testify
in the case of James
H. Keyes vs. the Little
York Gold Washing and

Water Company Limited
as follows:

" O How does this land
that you have Cultivated
with the sediment on it
Compare so far as produ-
ction is concerned with
other land upon which
there was no sediment.
Answer I think about 20
per Cent better; Twenty per
Cent more than any other
land in the neighborhood
without sediment =

A Well since that I have
ascertained that the
sediment land will pro-
duce a crop every year
and in my opinion it
becomes more valuable
O How many bushels to
the acre did you say
you raised upon this
400 acres of land?

A Upon 200 acres of it
I raised 45 bushels to
the acre.

O And the rest?

A I think probably not to exceed 35 bushels.

Q I will ask you whether or not in the case just mentioned you testified as follows:

= Q What depth was the sediment deposited on the 200 acres of land you cultivated? Answer I think from six inches to about three feet, Q Give the result. A The result was that I put it in wheat and raised on this 200 acres I think about 40 bushels to the acre = }

A Well I might have been mistaken at that time, I afterwards made a calculation and found there was about 45.

Q Now you have raised in your testimony from 20 to 25 per cent and from 40 to 45 bushels to the acre and raised the amount of cultivation

from 200 to 400 acres,
 since your testimony in
 that case? is it not a
 fact?

Mr Tibble It is not a
 fact because he did
 not say that. he said
 about.

A I Cultivated 400 acres
 Q That is your answer
 is it?

A That is correct, whether
 I made the statement or
 not then, I make it
 now and it is the fact

Q You say the Slickens
 improves land do you?

A I do. some kinds of
 land. Some is good
 enough probably without
 it.

Q I suppose there would
 not be any question but
 that it would improve
 bed rock, would there?

A Certainly not.

Q For purpose of Cultivation?

A If you put it on thick enough.

Q Do you say that Slickens land, that is agricultural land generally?

A Well I think that some land would not need any improvement, probably is good enough, but the Slickens itself is very good.

Q You mean the Slickens will improve land that is not as good as slickens?

A Yes.

Q That is what you mean, will it improve bottom lands?

A Well I think it would in some places, some bottom lands are very light sandy soil and this is rather of a heavier nature, if it was spread on well and mixed with the light sandy soil I think there would be an improvement

Q You think that Slickens would improve this sand that we have along the River here, improve this sand that comes down, do you not?

A It would undoubtedly be an improvement.

Q Would it improve the red land of the plains? A I think it would undoubtedly.

Q Did you ever cultivate any of that land?

A No.

Q What makes you think so then?

A Well because if you put on a quoting of Slickens there the Slickens would produce a good crop themselves.

Q Why do you think it would improve the red land of the plains when you do not know what the red land is?

A I know what it is.

I know it is very inferior land.

Q Very inferior?

A Yes.

Q All of it?

A Most of it that I have seen. and I have seen a good deal of it.

Q How is that?

A Most of it along the foot hills - what they term red land - is very inferior land.

Q Why do you think it is inferior? because it is red?

A No. because they do not produce good crops upon it.

Q How do you know?

A By observation.

Q When you speak of slickens as a fertilizer what is slickens?

A It is water running from a mine composed of different ingredients.

Q What are the ingredients

A I do not know

O When you speak of slickens being valuable for the purpose of cultivation do you mean the red top soil or the mineral, sand, rock, that is contained in the lower stratum of a mine?

A Well I could not say, because I do not know that I know the difference

O When you say that slickens is a fertilizer, do you mean to include in the term slickens rock and sand, ground to an impalpable powder?

A no

O You do not?

A no.

O Do you know what slickens is?

A Well yes.

O You know what slickens is?

A I think so

O What is the difference

between slickens and the sediment that comes from the top soil of a mine or mountain?

A If sediment and slickens comes from the top I suppose that would be all the same, it is mixed with whatever comes down at the same time

Q Where does the slickens come from in a mine?

A We term it up there the pipe clay.

Q Do you think pipe clay is a good fertilizer?

A It seems it is up there in Butte County.

Q Do you know that this slickens that you have on this land was pipe clay?

A No I do not know it. I suppose so from the color.

Q What was the color of it?

A Yellowish color

Q There is the Color of the top soil of the Mountain is it not?
 A I do not know.

Q Do you know the particular Kind of material to which the term Slickens is applied as distinguished from other Kinds of material coming from mines?

A No I do not.

Q you do not know?

A no

Q Then you do not know what Slickens is do?

A Perhaps not.

Q And when you testify that Slickens is a fertilizer you may be mistaken? you may be testifying about something entirely different from Slickens?

A I know this Comes from the Cherokee Company or there mine.

Q And you know what else about its being—

Slickens?

A Well I do not know
anything else

O all that you know is
that this material comes
down in the River; you
assume that it is slickens
and testify that it is
a fertilizer, that is about
all there is if it is or
not?

A No. We have tried it;
we know it is a fertilizer
O Are you willing to testify
that that stuff which
you have in your land
was not the top Red
Soil, the loam which
comes from the tops of
the mountains and the
upper strata of the
mines?

A I think that at these
works they are washing
probably about two hun-
dred feet all at the same
time.

O But you do not know

What part of it you got?
 A Well it would be coming down for a year, you know, day after day and night after night. There must be different kinds coming down you know, a mixture probably.

Q And the lightest comes on top?

A I presume so.

Q And you get the top wash

A I should think so

Q How long did it lie on the ground before you undertook to cultivate it?

A I think it had not been there over six months

Q Did you ever try the cultivation of vast deposits of sand not mixed with anything else?

A I have seen it I have never tried it.

Q You never have tried it?

A No.

O Do you think sand
is a fertilizer when
alone, not mixed with
soil?

A I do not know, I never
saw it tried.

O you do not know whether
that would produce any-
thing or not?

A I do not

O you have seen it
produce Millions have
you not, along the banks
of these little streams
where it mostly abounds?
A yes

O And you never knew
of it producing anything
else did you

A I have known a place
on Feather River in '62
that was a low place
where a man had it for
an orchard or garden
spot - 15 or 20 acres
probably - and during the
flood the sand came in
it about ten feet deep

he was very much alarmed
in deed and thought his
Ranch was ruined, his
Garden spot; but in two
years after that you
could not tell any difference;
he grew everything on it.

Q That ten feet did not
cover the trees did it

A There were no trees, it
was really a garden

Q I thought you said
he had fruit trees there

A He called it a garden.

Q Where is that place?

A That is owned by
Major Biggs now, in Butte
County.

Q Who is the man that
was cultivating that little
garden spot?

A His name is Seneca
Ever a lawyer not at
St Helena in Napa County

Q How does sand operate
in retaining moisture? does
it retain it better than other
soil do you think?

A A Certain Kind does.

Q of sand?

A A Certain Kind of sand.

Q What Kind of sand is it
A Very fine mixture of
alluvial soil with the
sand.

Q But I mean the sand
itself?

A I do not know

Q Did you not notice
the operations of the North
winds on the sand that
was deposited on Ewers
place?

A No.

Q You did not notice
whether or not that retained
moisture?

A I did not. I noticed in
two years afterwards you
could not tell any difference.

Q Did you dig to the
bottom to find out what
the depth of the sand
was there?

A I did not

Q Do you know whether

the sand was six inches deep on that place? I speak of sand, pure sand
 A yes.

Q How do you know?
 A Because it was piled away up pretty high

Q But how do you know that there was anything except a covering or coating of sand there?

A I had seen the place but I do not know about the soil

Q You do not know whether that was a thick covering of sand or not?

A I do not, it was supposed to be.

Q You supposed it to be
 A The man told me who owned it, it was.

Q I did not ask you what you were told, but what you know about it yourself?

A I do not know about it. I saw it but did not

flamine is at all

Mr Sibble Speaking of
Slickens in this Case do
you refer to that which
is called slickens by the
witnesses in this Case
and every body?

A Certainly.

Mr Hart We object to
the question, he cannot
know what it is, he says
he does not know what
slickens is.

The Court You can ask
him, Mr Sibble, ~~if~~ it
is, what is generally called
slickens.

Mr Sibble Is it what
is generally called slickens?
A Certainly.

O And that Character of
slickens which you say
is generally called slickens
which you say in this
Case is called a fertilizer?

A Certainly

Mr Hart Do you know
what is generally called

Slickens?

A Up there we call this
Slickens.

O you Call everything
that Comes from the
Mines slickens up there
do you not?

A I think so.

Testimony
of
L. C. McFee

Called for defendant

sworn

Mr. Belcher Where do you reside Mr. McAfee?

A San Francisco

Q Have you had any acquaintance with the Delands at the mouth or along about the mouth of the Sacramento and the San Joaquin, and in those rivers

A Yes I have.

Q How long has your acquaintance with them been?

A More or less since 1872 when I first had to do with them.

Q What was the character of your connection with them

A In charge of them and for their reclamation.

Q In what capacity?

A I suppose I might say as Engineer and General Manager. Q What particular island did you have charge of in reference

to its reclamation?

A The first was Staten Island in the Mokelumne River

Q Staten Island is near the mouth of that river?

A About 5 miles from the junction of the Mokelumne with the San Joaquin

Q. What other islands, if any have you had direction and change? A Roberts Island.

Q And of Roberts Island?

A Near Eolokton in the San Joaquin

Q What other islands than these two have you examined especially or otherwise

A Twitchell Island and the Janey tract, and I have been on more or less all of them and over all of them

Q Now will you state first as to Staten Island what you have done there, giving a history of your work and its results?

A. I first went there - without my notes I can not give the exact date, I think

it was in February 1872 but
 without regard to the date, I
 can not recall it exactly, I went
 there to examine it with ref-
 erence to its reclamation and
 found that some work had been
 done there in the shape of leveeing
 building with a plow. I was
 told that a huge plow had been
 used which I afterwards found
 it was rather in a box shape
 and it turned over a furrow,
 about 2 feet square, and whether
 they even kept out the water
 with that or not, I do not
 know. They did not dam the
 sloughs so they could only keep
 out the water where the levee
 was standing. Then after the
 parties for whom I was acting
 determined to reclaim that island
 and we built a levee, partly
 with Chinamen and partly with
 a large dredging machine which
 dug a ditch on the inside of
 the levee some 12 feet wide
 and some $4\frac{1}{2}$ or 5 feet deep
 and threw the material toward

the river, and made a levee which was about 5 feet high with two feet crown, and about 12 feet base, six feet from the ditch. Then after that from time to time we enlarged and repaired this levee as was necessary. Every year we had to do more or less work. The material was heat and shrunk and settled very considerably. I think it lost about $\frac{1}{3}$ of its bulk at least. Those were the figures I determined on at that time in passing over the ditch and the levee.

Then after that this same material shrank still more and settled and it had to be added to repeatedly as the tide would rise and flow over the levee. That has been the general history of the levee itself under my charge.

and more recently we have found that this material was so light that we could not depend upon it for the surface of the levee, and so we added behind them a bulk head,

Which consists of post 4x4 and 4x6, driven one into the ground and the other slanting up, as a brace, against it.

They are from 6 to 8 feet apart and the face of this 4' board up and the levee is built against it and the space between the original levee and this bulkhead is filled in with sand.

That was a backing to the levee, and this levee was built of such a height that the top of the bulkhead was supposed to be above the top of any flood that we ever had except 1862.

The flood of last year however went 2 feet over it, so that not a particle of the bulkhead could be seen anywhere. The cost of all this work has been about \$300,000.

Q What is the present condition of the levee there in the island? A. The condition of the levee?

Q Yes? A. With the help of this bulkhead, the levee

was not much broken by that flood. The water went over it, and the levee was broken in half a dozen places or more probably and it was repaired temporarily and the water was drained off and some of the land was cultivated this season some of the bank land, and now the levee might be repaired and the whole island put in cultivation, but the owners of it considered it useless to do it, the previous history has been such as not to warrant them to spend the money.

Q If you say that the owners do not feel warranted to expend any more money, and why?

A Because the former history of the island has been so unfortunate that we are not warranted in going on with this work. There has been but one really profitable crop, raised on this island and that was a first crop. Since then we have had fair prospects every

Season, but something has even-
 tuated, something that would
 prevent us. We have had
 \$20 or \$22 rent offered and still
 it turned out in nothing. It will
 take \$5000. to repair the levee.
 We are offered \$5 an acre for
 the 10000. acres on the island
 now, but we must take the
 contingency of a crop for the
 pay, and the history of the
 island is such that it does
 not warrant us to spend \$5000.
 to gain \$50000.

You have spoken of accidents.
 Now what character of accidents
 are these peat levees exposed to
Mr Hart. I object to the ques-
 tion as irrelevant and immaterial.
 We are not trying to sustain
 peat levees. We will admit that
 peat levees are not worth a
 Cent

The Court. That admission will
 cover all you can prove doubt-
 less

Mr Belcher What is the char-
 acter or what was the character

of these islands prior to the attempts at reclamation?

A They were peat lands. It was a peaty soil

2 Now then, taking the border next to the river, or sloughs are they made up of the same character of lands or of soils? A. Each of these islands, or some of them show the general character of the formation, down there. At Gaeracumb and below the quantity of sediment grows less until you get down into the San Joaquin and there in many places, you may say there is not sediment at all on the soil, not even on the banks, or so slight a quantity - that is of very little value and each of these islands show that same characteristic. At the head of Staten Island there is a very heavy sedimentary deposit, and at the lower end there is very little and in the interior, it is a light peaty soil

2. Now you have seen all these islands, Staten Island and Roberts Island you say in particular and on the margin there is a deposition of sediment. How is it with the head of the island as compared with the foot, the upper end as compared with the lower end?

A. At the upper end of the island, Staten Island for example it is all solid soil. I remember digging a well at the head of Staten Island and it must have been 10 or 15 feet deep and it was, all solid soil. I think the island is about 8 miles long. The direction straight up and down the perpendicular direction you may call it is 8 miles. Down by the river it is 12 on one fork and 18 on the other if I remember rightly, some such figure as that and probably down the banks of the river for 2 miles you would have this sedimentary soil, probably 3 miles and then below that comes the light heat soil again.

2. Is the same true with respect to Roberts Island?

A. Yes. Roberts Island is a very large island some 60000 acres in it. -

Q Now where they find the sediment or sedimentary deposit upon these islands solid how is it there with respect to the levees that can be constructed?

A The fact on Robert's Island was that the soil of the upper district is all heavy and the levees built of it have stood - that includes some 20,000 acres while on the lower portion, including some 40,000 acres the soil has been of this light peat and the soil has failed.

What is your conclusion as an Engineer as to the practicability of reclaiming those peat lands?

Mr Stant I object to the question on the ground that it is not shown that this witness is an Engineer.

Mr Belcher He said that he was in charge of these islands as engineer.

Mr Start And general manager?

Mr Beeler Yes

Mr Start That does not establish that he is an engineer

Mr Beeler What is your profession Mr McAfee?

a I am - I call myself a real estate broker in business parlance

Q What have you had to do with engineering?

a I spent two or three years in charge of those islands that I speak of and if it had been a successful field I presume I would have continued to be an engineer, a swamp land engineer as I considered myself then but being in an unfortunate connection I felt happy to be relieved of my occupation and title

Q Had your studies prior to that time been in direction of engineering? Ayes as much so as a collegiate

Education and practical study under Calvin Brown at the Navy Yard and other studies would have tended that way

Mr Belcher Now will you answer the question which was proposed to you before

<The Reporter read the question>

Mr Starr I object to the question as immaterial and irrelevant. It appears that Roberts Island is located in the San Joaquin River and not in the Sacramento Basin. We object to the proof of any of those islands, Roberts or Staten Island and we object to the proof of the feasibility of reclaiming swamp lands generally on the ground that it is irrelevant and immaterial. Our Complaint is against the filling up of the river and the depositing of this stuff upon the soil and we do not claim that this

land can or cannot be
 reclaimed and do not care.
 It is entirely irrelevant
 Mr Belcher we propose to
 show by this witness first
 the character of the islands
 themselves, that it is such
 that they are incapable of
 reclamation in the lower
 portions of them particularly
 by the means they have at
 hand. That where they
 use the material of which
 the island is composed
 it will decrease ^{in mass} very
 rapidly largely as the
 witness has stated
 and that it then dries and
 will float away and be
 washed away by the
 slightest power brought
 against it; and they are
 liable to be burned up
 and further that these
 islands have been very
 largely burned over and
 burned to the extent of
 several feet for the purpose

of putting them in condition for cultivation. That the only means by which levees can be made is by taking down the harder sediment that comes from the river and taking it up from the river by some sort of machinery and making levees with it.

Mr Stark We say that that evidence is not material.

The Court I suppose there is no objection to this witness telling what he knows about the islands connected with the sloughs connecting with the Sacramento River.

Mr Caldwell There is no connection.

Mr Stark I object to his giving his opinion as an expert as to whether it can be reclaimed. He is not an expert whether they can be reclaimed in the future is a speculation and is immaterial.

Mr Caldwell We want your Honor to understand that

neither of these islands, Roberts Island or Staten Island is connected with the plough system. There are two intervening islands.

The Court That depends on the testimony. I remember that testimony was given as to Tutcheell Island, Tyler Island, Andros Island and Staten Island. They were all mentioned in the plaintiffs testimony.

Mr Caldwell Staten Island?

The Court Staten Island Mr Caldwell Then the testimony will be confined to Staten Island.

Mr Hart It seems to me that my objection has been lost sight of for something else. My objection was confined to a single proposition that whether or not these islands may be in the future reclaimed in the estimation of His Honor is immaterial.

The Court I do not see any

disadvantage to the defendants
if you pursue this course
Mr Start It may be no
disadvantage to them but I
am addressing my objection
to your Honor and not to
the defense

Mr Goodwalader I understand
that your Honor allows them
to take proof as to Staten
Island?

The Court As to the islands
affected by the sluice system
of the Sacramento

Mr Start I except to the
Ex ruling of the Court

Mr Goodwalader The witness
is not to testify as an Ex
pert as I understand

Mr Start That is what they
are asking him

The Court It is so difficult
to tell what is expert testimony
in regard to agricultural lands
There are some matters of
description that involve an
opinion

< Question read by Reporter >

A My own opinion and that of others similarly engaged is —

Mr Badwalades I understand he is not to go out of the islands embraced in the sluice system of the Sacramento

Mr Becher I supposed the matter had been disposed of

The Court The islands connected with the Sacramento sloughs. Proceed

A In my opinion and that of others associated with me which of course, helps form my opinion —

Mr Starr I object to the witness stating the opinion of others

The Court State your own observations

A My own opinion is that it might be practicable but at a very great expense like any other extensive engineering operation

Mr Becher Practicable

with the material at hand?

All the material that
can be reached

Q What is the material?

A There are two classes of
material there now, the
natural material or rather
the material of the
upper soil, the peat and
the material of the banks
and beds of the river

Q And which is the
material you think practi-
cable to use?

A That from the bank
and bed of the river

Q If the surface of the
interior of these islands
has been in any way
changed by operations con-
nected with cultivation,
state how

A The history shows
that much of the sand on
the island, Staten Island
in particular was first
reclaimed and when
that was done it was

left standing for several months. I think the reclamation was completed in May or June. In October or November of that year the soil was set fire to, - the grass on top and then of course the soil took fire from the grass and it burned being peat and by this time it had got dry and it burned to a depth ordinarily of 6 or 8 inches. Sometimes it was burned much deeper. In other instances it burns several feet and it burned very irregularly that is there were very large patches of ashes created by this burning and on these grasses the grain was sown and ground in by sheep and from that process on that soil the best crops were produced that we ever

had on the island. After that the soil was cultivated by ploughing and harrowing as is ordinarily done.

Q State you in the work of reclamation brought up from the river sand at any time? A Yes.

Q What appeared to be clean white sand? A Yes.

Q What did you do with it? A We repaired breaks in the levees.

Q And anything further?

A In that process it was necessary to fill in a considerable of the ground surrounding the break or crack. There are subterranean cracks in this peaty soil and it is necessary from that to fill in on both sides of the levee in order to create a firm foundation. The sand was brought up in that way and put in the

ditches

Have you observed any growth upon this sand subsequently and if you have, state in regard to it?

A This sand was deposited in the ditch, the main inner ditch ~~from 186~~ that cut off the levee and the river from the interior land unless by a bridge. The sand was deposited in there and it made it so firm that I crossed it with a horse and stood in the ditch which is almost as remarkable as a person standing in water and in crossing in this way I had occasion to observe the sand and saw that there was a different growth in that sand to what there was in the adjoining peaty soil.

Q What was the character of the growth in the sand?

A The growth in the peat

was generally a coarse, water growth tules and flags and such things as that and if I recollect correctly in the sand there was small grass, more like the tame grass.

Q And was your examination such as to determine whether the growth of grass in this sand was from the sand itself or from the soil below putting up through the sand.

A As it was different from the other growth I should judge it was from the sand itself. That was my opinion at the time.

Q. How was that growth affected by draught?

A. By the what?

Q. When the dry weather came on, how was that growth effected by it, or was it at all?

A. We do not understand the question of draught on these tule lands. Dry seasons mean pleasant seasons with us, and the dryer the better. Excess of water is the difficulty.

Q. Was the growth upon this sand effected by the dry weather

Mr Hunt - He says there was not any dry weather

Mr Belcher What you like is dry weather. But what I want to know is, whether the growth upon this sand started up freshly in the first instance, and then burnt out and dried up? A No sir, the

soil is all wet including the sand, the water comes up to the surface, and even covers it in places.

There is never any moisture at all; that is, near the banks

2 Now, for these islands, How are they effected by the low water, or by rising water from any other cause, whether from the tides, or from floods?

A I do not know that I understand the basir-
ing of that question

2. The idea that I have in my own mind is, that they are effected, as I think some of the witnesses have testified, by the raising of the water.

A There are pieces of land through these different islands, that seem to be detached from the ground beneath, and they rest on the water,

and rise and fall with the rise and fall of the water

The Court-Do they rise and fall every day with the tide?

A I think not. I have heard stories down there that the tide land communicates with the interior basin of water, but my own observation does not confirm that, and I doubt it. I think that only in cases of water going inside of the levees or superficial water in some way or ^{the} other, however communicated, causes this rise and fall.

Mr Belcher Speaking of the superficial water, and in that connection with the sediment, what if anything has been done for the purpose of introducing sediment in

these islands, or any of them? A I think before we took possession of Staten Island, I was told that it was done, and I have seen it on other tracts, where the water was let in on purpose to raise the soil, and also give body to this peaty material, and in the case of Staten Island, having observed this, and discussed the proposition of dividing our island up into sections, with interior levees and ditches, and raise each one of these sections in turn, by letting in the flood water, to stand and raise that land, and the next year cultivate that, and raise another portion until we should, by that means raise the whole island.

Q. That is by introducing sediment from the river? A Yes sir

Q. Well, now, what is your opinion in regard to the productive character of this sediment soil that is thus made?

A It is very fertile

Q. Have you had sufficient means of observation to determine as to its character?

A I think I have

Q. And the value of it, and your judgment is, that it is fertile?

A I never heard anything to the contrary until this suit came up

Q. What do you say in regard to the comparative value of sediment and tule soil for use?

A I suppose, as to the intrinsic fertility of

each, that there would
 there would be rather
 a nice balancing of their
 quality, but the conditions
 of the cultivation are such,
 that the fertility would
 be effected, not by the
 quality of the soil, but
 by attending circumstances.
 To illustrate, very valuable
 crops of one kind have
 been raised on sedi-
 ment soil, and very
 valuable crops of an-
 other kind have been
 raised on the pite
 soil, and the question
 comes up not as to the
 intrinsic fertility, but
 which is the most cer-
 tain, both constant, but
 which is most certain
 in its freedom from
 liability to destructive
 circumstances; in
 other words, the objection
 to either soil would
 not be in its fertility,

but in its liabilities

Q. Liability to destruction? A Liability to destruction from some other cause

Q What do you say in respect to the use for orchards of the one or the other kinds of soil, the sedimentary deposit, or the granite?

A The experience and success has been entirely in favor of the bank soil, and I have seen good fruit trees and grape vines, and particularly berries, succeeding very well on granite soil

Q. Well, as to granite soil, how is it composed, or rather of what is it composed?

A It seems to be a mass of roots, my favorite comparison is to a hair mattress, it looks very

much like a hair mattress, a mass of roots matted together

Q. Is there in that a considerable element of sand? A. Practically none at all. Perhaps I may explain what I said, better; There was a company organized to make piñete of this soil, and the man going about to find the best locations for his piñete usually found from 8 to 12 per cent of sedimentary matter, in such location as he thought would be suitable to his piñete manufactory

Q. Well, now, has any one of the islands in the delta of these rivers been reclaimed, except where they had sedimentary deposit to use for their levees?

A. Have they been re-

claimed?

Q. Yes sir, successfully?

A. Every winter, where there has been any reason for disaster, there has been disaster up to the present time. There is the land adjoining ours that was flooded last winter, and they repaired the levee, and got to work cultivating now; if you call that success, they have been successful since the last flood, but other than that, I do not know of any tract of land that has been reclaimed, and has stood the flood.

Q. I will ask you whether or not, some or many of these sloughs leading out from the Sacramento, and connecting the San Joaquin and Sacramento, have been filled up, and their heads or mouths stopped up, either one

A How many of them?

2. Yes sir, and if you look at the map, and see?

A There is what is called Tyler Slough, extending from the head of Staten Island in the Old River, or as it is on this map, Georgian Slough, just below the Old River, there is also, if I recollect right, what is known as the Jackson Slough, extending from Old River into Seven-Mile Slough. Those are the only two sloughs that I know of that are dammed. Tyler Slough is dammed at its head only, that shut out the Sacramento River from coming over on us. That slough is a small slough, probably where it is dammed 20 or 25 feet wide, and lower down it has widened out a little bit, not much,

it is all grown up, although it is deep enough for navigation, but it is too filled up with undergrowth and overgrowth to pass through, to make it a passage way for boats. Jackson Slough is entirely dammed up, the head and foot, being a part of the reclamation of Barron and Andros Island

Q This slough is dammed
at the head?

A Yes sir.

Q So that the Sacramento
Water can't get out

A Yes sir I do not
remember any other slough

Q What effect has the
building of levees on the
margin of these lands
for the purposes of recli-
mation had upon the
height of water in the
River or Rivers?

A At flood time?

Q At flood time?

A That is a subject
that I have not examined
into at all. I do not
know that I am prepared
to answer.

Q Well can you answer,
Can you tell that it
must necessarily have
as a matter of theory

The Court I suppose his
opinion is hardly ad-
missible

Mr Belcher are you acquainted
with Runyon districts
A Yes Sir

Q Where is that?

A I have examined that
for the owners. Courtland
is the best known land-
ing, it extends from
above Courtland down to
Walnut Grove, the line
between the Sacramento
River and Snodgrass
Slough, on the line
between the Snodgrass
Slough and the old Sac-
ramento River, the main
River part of the way
abreast of Grand Island

Q Do you know when the
front levee and back
levee was built?

A I do not know when
the front levee was built,
I know that it was built
before my time there the
back levee has been built
since.

Q When was that built?

A I do not recall the year, 1873-74-75 some where along there, 1874 and 75 I think, that is it was commenced about that time, it has never been built unless it has been built recently as I understand.

O Never been completed?

A No sir

O What objection was then to the building of that back levee, what was that objection based upon if there was any?

Mr Hart Who made the objection.

Mr Belcher The people living right there.

Mr Hart I object to people's objection to the levee, I do not think that is material

Mr Belcher The object which we have is first that they build a levee in front and opposed

the building of a levee
 in the rear because the
 front lands were considered
 the only valuable land and
 the effect of a back levee
 would be to raise the
 water ~~on~~ in these front
 lands, they had a little
 strip of land along the
 margin of the River and
 so long as there was no
 levees there at all then
 the rising of flood waters
 in the River would pour
 over the bank uniformly
 along the whole length
 of the district and
 leave sediment that the
 water carried right on
 the bank and near it
 and the back lands
 were considered of no
 value then they received
 no damage, when the
 levees were built and
 the waters restrained and
 confined within the levees
 the water raises

higher and whenever a
break does come it does
them very serious damage

Mr Hart You want to
get the opinion of the
population down there

Mr Belcher I am stating
to the Court what are
the general facts in regard
to that and then he
sees the direction of the
question.

The Court The facts may
be proven but I do not
know that we care about
the opinion of the population
as to it.

Mr Belcher Well what
are if you know the
facts in regard to that
back levee in that
district?

A The Tule land was
taken up by San Francisco
people and they wanted
to reclaim it after our
experience below at that
time and they did decide

to Reclaim it and they
wanted to join the front
land owners in with them
in there district

Mr Hart I insist that
it is utterly immaterial
The Court Speak of your
own personal knowledge
as to the building of
levees.

A I do not see how I
can state otherwise than
to give a history of it
which I was doing

The Court We do not care
what the people there said
Or thought or objected to
give the history of what
was done.

Mr Cadwallader What he
knows of his own knowledge
A I know that levee
was commenced there
that they proposed to
go ahead with it and
it was stopped and the
reason it was stopped
was because of difficulty

between the different land owners. it was never Completed.

The Court If the levee was not built I suppose there was no experience about it.

Mr Belcher The reason why it was not built was because the former owners opposed it I suppose. that levee you say never has been built?

A No I think it has been built it has just been Completed

Q If you know that it has been Completed then I want to know the effect of it

Mr Cadwallader He has not said that he knew it had been built. the witness don't live in that section of the country The Court He says he has examined it though

The Witness I live there,
Mr Belcher Proceed and
 State as to the effect
 A There has been no time
 to try the effect of it yet
 because it is just Comp-
 leted there has been no
 flood since that is if
 it is Completed.

Q If you know as to the
 Value as to the lands which
 are farmed, the lands of
 these Islands which are
 Sedimentary and the
 lands which are of the
 other Class, of Tule growth
 State in regard to there
 relative value, a portion
 of the Islands if I under-
 stand are solid ground
 made from sediment and
 another portion peatty
 And Contains more or less
 Soil as you go further
 towards the lower end of
 it, Now if these have a
 relative value I desire
 to know what it is?

A You mean the Cosh value?
 O Yes sir or the rental
 value either?

A The bank lands have
 always been held at much
 higher figures than the
 others in the market
 and have always been
 taxed higher, the bank
 lands in my time have
 ranged from 50 to 150
 dollars an acre in value
 and the ~~St~~ Tule lands
 from not exceeding five
 dollars as a rule, nor
 less than five dollars
 an acre up to whatever
 there reclamation may have
 cost and my most recent
 in the valuation of those
 lands was to have the
 valuation reduced and I
 looked around considerably
 to present arguments to
 the supervisors of San Joaquin
 County to get them to lower
 our valuation and I wrote

to the different Assessors
 And the assessor of Sac-
 ramento County wrote me
 that he had assessed
 the bank lands at fifty
 to 100 hundred dollars.
The Court never mind that.
Mr Belcher Have you the
 letter from the assessor
 of Sacramento County?
 It I have it but not
 with me.

Mr Starr The would be
 Secondary evidence

Mr Belcher We can produce
 the letter which would
 be primary and not
 secondary evidence, if
 you object upon the ground
 that we have not got the
 letter we shall accept
 the objection as being
 good in that regard
 and will produce the
 letter.

Mr Starr I will object to
 it as hearsay

Mr Belcher If they object that it is not primary evidence we think the objection is not good, otherwise we ask that if they do not interpose that objection we ask that the witness go on and state

Mr Hart We should object to the statements made by the assessor even if it were brought here in the form of a letter, This is doubly incompetent because this is testimony as to the contents of an incompetent writer.

The Court Yes I do not see any reason why if the assessor's opinion should be put in that you should not put him on.

Mr Belcher We might do both, if to one in authority I have written for information I may use that information. The Court That is not certainly a universal proposition

Mr Cadwalader I ask that that copy of the complaint be filed, in lieu of the original

Mr Byrne We have no objection. I understand the printed copy be just the same as the complaint which was originally filed, and, of course we have no objection

The Court Let an entry be made showing that the original complaint having been lost this copy is filed as the original, and filed as of the date of the original

Mr Byrne As a matter of fact, the only complaint we have ever seen, is the printed copy. We presume, we have no doubt, that it is just the same as the one which was first filed

Mr Cadwalader It is the

same. I compared them

Cross-Examination

L. C. McAfee

Mr Hart-What is your present occupation?

A I am in the real estate business, as I said

Q. Are you connected with any miners association in this state? A I am secretary of a mining company

Q What mining company?

A The Excelsior Water and Mining Company

Q Where is that company located, or the mines of that company?

A In Yuba and Nevada Counties

Q. Prior to the time that you went to Staten Island, had you ever had any practical experience as an Engineer? A Up to that

time, I had been a student

Q Have you ever had any experience in the matter of the reclamation of the swamp and overflow or tule lands, excepting on those islands? A Well, at that time and since, during the period at which I was a swamp land Engineer, I visited and reported on other tracts of land which were reclaimed, or were about to be reclaimed. The extent of my experience in the matter has been in the swamp and overflowed lands in this State, including salt marsh lands

Q How long did you remain upon those lands? did you say, as the Engineer and general manager?

A My connection has not ceased yet unfortunately as an owner, and also in charge of them

Q. You are one of the owners of the land, are you? A Yes. So that I cannot say that my connection has ever ceased with them

Q. What particular islands have you been connected with as Engineer? A Staten Island and Roberts' Island

Q. Where is located? In what river?

A In the San Joaquin

Q. How far from the mouth of the San Joaquin?

A I presume, 30 miles, taking Antioch as the mouth of the river

Q Up towards Stockton and then, it runs from there up above Stockton. It is a very large, long

island

Q. Where is Staten Island located?

A. In the Moguelumme river about five miles from its junction with the San Joaquin and abreast of Tyler Island

Q How far from Sacramento River

A - about one mile across in a direct line

Q In a direct line a mile across

A The nearest point

Q What is the nature of the soil you find on the banks of the river at these islands.

A. That part I think is a sandy loam. I think that would be the designation I would give it. As you go from the head of either of those islands the loam disappears more and more until the soil becomes all most entirely peat

Q Those lands are like the balance of the Sacramento Valley higher near the river

A Yes. Not to so marked a degree

Q Going back from the river you find tule lands or what you call peat

A Yes

Q Do you know how that peat corresponds with the tule lands of Yolo and Sutter Counties

A I think that in Yolo and Sutter Counties there is much soil in it. Excuse me please ask me the question again. (Reporter read the question) There is no peat at all from what I have examined in Sutter and Yolo Counties.

Q What do you mean by peat

A. I mean the soil itself. Tule is used in two designations first the plant and then the soil which is formed from the plant by its

rotting and combination

Q When you say peat then you mean that this soil is a formation which is a result of the decomposition of the tule growing there

A. Yes

Q Is not that the nature of the soil in Sutter and Yuba Counties, excepting that in those places the soil is more mature or older formation

A. No. It is entirely different. I have examined Sutter County particularly very carefully and so I am fully informed of that; that is in general fully informed. There is not as far as I have examined peaty soil in Sutter County.

Q That is because the soil is old and has been covered up with loam

A. Yes exactly. That changes the nature of it entirely. One is a pure peat that

will burn, the other is a soil that may have had vegetable matter mixed in with it and become a complete earthy mould.

Q And the present difference between the till of Sutter County and what you call the peaty soil of Staten Island may be in the extent of decomposition.

A No, not at all. It was to the extent of the addition of foreign earthy matter.

A It cannot be in the extent of the decomposition.

A Not at all except possibly through thousands of ages when I stated in my direct testimony all the vegetable matter had decomposed entirely and disappeared and left only this 8 or 10 per cent of earthy matter which is there. Possibly that in time might create a fine

earthy mold but at the present time it is all peaty matter in places to the depth of forty feet

Q What is the nature of this sedimentary deposit that you speak of in Staten and Roberts Island

A It is a sandy loam undoubtably alluvial

Q A formation of many years of wash, natural wash in the river

A. Yes

Q Like the balance of the beds of the streams and the adjoining lands

A yes. ~~but~~

Q How you say where this soil has grown along the banks of the stream where it has become more of a sedimentary character there is a difference in the character of the products; that is the grass is small as compared with the hule that grows in the peat

A I only tested that by what I had observed where the sand from the bottom of the river was thrown up and put on the soil; then it had produced different grass. That was a single isolated circumstance.

Q Where was that?

A That was on Staten Island.

Q That was but one circumstance.

A It was but one circumstance that I cited the only one that I had observed of that peculiar kind.

Q Now it is true is it not that all along the banks of these bottoms where the high ridge through which the river runs protects the land to some extent from overflow and where there is more of sediment, generally the vegetation that grows there is different from that which is in the peaty soil which is back in the dunes.

is it not

A. Yes.

Q That is universally true and always has been

A yes

Q Since you have known the Islands

A yes

Q And that is also universally true throughout the Sacramento valley

A yes

Q Speaking of the productiveness of the soil in those Islands is the soil on the banks of the stream considered more valuable than back where the land is lower

A Because it is less liable to overflow, and when there is an overflow the water disappears on it.

Q The difference consists in the altitude or height

A Yes. That is one main one - There are others in addition to that

Q And when reclaimed this peaty soil during ordinary seasons is as rich as any in the world is it not?

A Yes I presume it is for the length of time that it was cultivated. One or two crops have been raised there which show that perhaps with repeated cultivation it might lose its fertility very rapidly; but not having had experience enough in continuous cultivation to prove that point it is still an open question.

Q And that is the reason that sedimentary lands are held at a higher figure and low lands is not?

A That among other reasons - ~~dear~~ yes.

Q Well the other reasons what are they?

A It is easier and consequently more cheaply cultivated.

Q Which? The higher lands?

A Yes The higher lands.

Q That is on account of

the water is it not.

A No on the count of the soil. This peaty soil particularly at the beginning is very hard to break it has a very tough sod. They may have one furrow which will be as long as the plow will run - dash one hundred feet a thousand feet or a mile - and one may can catch hold of that furrow and pull it. it is so tenacious

Q It hangs together

A. Yes

Q That is the result of its being very wet is it not

A No not the result of its being very wet. It grows and mats together and forms a heavy sod and that sod of course makes the tough plowing. Then in addition to the difficulty of plowing it in the first instance the soil afterwards is soft, particularly in the history of these islands on account of the frequent overflow

and the seepage water which gets in. The soil is soft and the plowing is difficult so that they have to have peculiar apparatus for plowing which is an additional expense.

Q How high did you build your levee and your bulkhead, did you say, a few years ago -

A The bulkhead is probably six feet above high tide.

Q I understood you to say that at Hallett Island you made a levee five feet high at first and afterwards added to it.

A Yes -

Q You found that levee would not serve to protect the land and then you built a bulkhead behind it higher than any flood since 1862 -

A Yes - Supposed to be

Q How high was it as compared with the high water marks of 1862 as

you understood them

A I do not know definitely because I can only speak upon information as to that, and that I cannot specially recollect. My idea is it was from one to two feet

Q Higher than the flood of 1862

A Below the flood of 1862

Q But higher than any other

A Higher than any other flood

Q And the waters of 1850 and 1881 went over the top of that two feet you say-

A Yes. That requires a little explanation. The bulkhead was built, now I think more fully of it, not with reference to the flood of 1862 but with reference to the flood of 1878. I think it was the last flood of any size we had before this one. It was built to be above that. With reference to the

flood of 1862, it was only incidental

Q Do you know why it is that the water of 1880 and 1881 raised so much higher than the other floods previous, at that point

A. Yes.

Q Why was it

A. Locally I can give the reasons. Because of the break in the levees of the Sacramento River and the water running over on us

Q From the Sacramento River

A. Yes.

Q Do you know of anything else that affected the high water there

A Not of my own knowledge

Q Do you not know that the filling up of the bed of the river had a very great influence, both in the obstruction of the San Joaquin at its mouth and in the amount of the water brought down by

the Sacramento

A I do not know it of my own knowledge

Q That is your opinion as an engineer is it not.

Mr. Belcher. He says he does not know it.

Witness I do not know it.

Mr Belcher. One question which escaped me. You have stated that you were the secretary of the Excelsior Mining Co

A. Yes

Q What is the cost of that property - The Excelsior property -

Mr. Hart. I think that is immaterial and object to it for that reason

Objection sustained -

Defendants object - except - Mr Belcher - One other question

In regard to the Sutter title. How much of an examination did you make of the soil in the Sutter title

A. I visited them at least twice; drove all over them

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Testimony

of
H. H. Brown

Called and sworn for the
defendants -

Mr. Byrne Q - Where do you
reside near Grangerville
Tulare County

Q Did you ever live
in the Gold Run District
Placer County which was
at Mountain Spring Placer
County State when you
first went there and
what your knowledge and
experience of mining oper-
ations in that particular District
has been. I will say now that
if you proceed to state
in a narrative form
your knowledge of the subject
it will save my asking
me asking a good many
questions and it will save
time

A I went to what was
known as Cold Springs in 800

about the last part of July
 From there I went on Bear
 River to the mouth of Squires
 Canon and mined there
 for about two months; from
 there I went to Nevada City
 and remained there nearly a
 month. Then I returned to
 what ~~was~~ known now as
 Little Fork and wintered
 there during the winter of
 1850, mining there on what
 is known as Scotch Ravine
 In the spring of 1851 I went
 to Cold Springs and went
 into business there and
 remained there during the
 summer In the fall I
 went back to Little Fork and
 mined there in the fall
 of 1851. In the summer of
 1852 I cleared Bear River
 immediately below Squires
 Canon and mined there
 a short time. In the
 fall of 1852 I went to
 Indiana Hill and located
 mines there and continued

to mine there until the fall of 1854 when I went to Cold Springs and went into business there. I was in business there from 1855 to 1861 and engaged in mining in the district to some extent most of the time.

Mr Cadwalader - Cold Springs

A. Is known as Mountain Springs then. The name has changed

Q What?

A. It was known as Mountain Springs at that time when I went there in 1855. In the fall of 1861 I went to Gold Run; the town was just started.

Mr Byrne - Inform the Court to what extent you have been engaged in mining in that and other districts in the State since you have been here.

A. My mining in this State has been in Little York District.

(very little in Dutch Flat,) and Gold Run principally. I also mined in Idaho a short time.

Q How long did you mine in Idaho

A I was absent from Gold Run about six months. I was probably in the mines about three months.

Q When did you leave Gold Run

A I left there on the 22nd of February 1878

Q In how many different Counties of this State have you been practically engaged in mining -

A In but two: Nevada and Placer.

Q Do you know what Customs have existed and do still exist, what usages and practices, if you please, have existed and do still exist in these Counties in reference to the use of water and the discharge of

tailings from hydraulic mines
or mines used or operated
by means of water.

A I think I do

Q Will you state them
to the court

Mr Cadwalader we object
on the ground that, in as
much as it appears that
the Gold Run district is
an organized district, having
a recorder and mining
laws and regulations, those
mining laws and regulations
are the best evidence of
what the rules and regulations
were

The Court, the same ruling as
before.

Plaintiff excepted.

Mr Cadwalader - The witness does
not speak of customs but the
practice I suppose?

Witness I do not know what
you call it. It is the way every
one did in opening mines that
I testify to.

Mr Byrne - By every one who

do you mean

A. All miners, all companies
of miners

Q Where

A. In Gold Run District
and Little York District

Q State what they did

A Well in opening mines
they would select the most
easy outlet; generally some
natural waterway, ravine
Canyon or river, and dumped
their tailings into the same

Q To what extent has
that usage or practice prevailed
within your knowledge within
the State of California, and
how long has it prevailed

A - It has always prevailed
since I went into the mines
There has never been an objec-
tion raised so far as my
knowledge went.

Q since what time

A. 1850

Q. Up to what time did
you reside continuously
in the mines and for about

what time were you continuously engaged in mining operations or interested in mines

A. I can say that I resided at Gold River - I was within forty minutes walk of there - from 1850 to 1878 - right in the mining section there and interested in mines more or less all the time or nearly all the time

Q Do you know a claim there known as the Indiana Kill claim

A. Yes I do.

Q Do you know who located it

A. I do. That is I know a portion of them; some of them I cannot recall

Q Give the Court your knowledge upon that subject

A I located a portion of it myself.

Mr Cadwalader locations will be evidenced by acts I suppose. Let the witness state what acts he did

Mr Byrne - I do not ask if he did any particular act - I asked him if he knows who the original appropriators of this ground was, were

The Court - Ask him who took possession of it for mining purposes first if he knows

Mr Byrne - Who first if you know appropriated the ground which is now embraced within the claims now embraced in the Indiana Hill Claim

A - I appropriated a portion myself Also Wm Prindle, Brooks Judd, Fred Bourne, A L Hodge and a man by the name of Beard - There was another Company of Germans, that had the name of the Bismark Company - One of them was named John Mayer; he is the only one I can recollect. There might have been some others but those are the only ones I can recollect

Q Is that the same John

Mayer who now resides at
Dutch Flar

A. Yes

Q Deputy Sheriff now

A. He has been

Q When was that done

A. That portion I located
I located in 1852.

Q What portion was that

A It was what is the
extreme southern portion of
it now, known as the Indiana
Hill claim proper

Q Can you point it out
on that map I do not know
whether you have examined
that map or not

A This map I am not
familiar with (It is south-
(fornalug))

7953
: ~~Mar~~ By me - We ask to use
this map as a diagram (showing
the witness another map) Look
at that and point out to
the Court the particular locality
which you first located
which now forms a part of
the Indiana Hill claim of

the Gold Run Company (Witness pointed)
 Witness I located a mining claim
 right adjoining what is known
 as the Warren claim

Q Were you ever present
 at a miners meeting in that
 particular District

A I was

Q For what purpose
 was that meeting called

A To adopt laws for the
 governing of the district

Q When was that.

A It was in the winter of
 1853, early in the winter.

Q State to the Court about
 how many miners were
 present at that meeting
 if you remember

A There were probably
 thirty or forty perhaps fifty
 I do not think less than
 thirty

Q What proportion did
 that number bear to all the
 miners in the district at
 that time

A. The district was small

at that time I do not think they were all there, near

Q What percentage would you say of all the miners of the district were present

A - Probably two thirds at that time

Q What was done -

A The meeting was organized by the election of John Pickering as president and J F Talbott as Secretary. Talbott and myself and another gentleman I think Mr Beard - were appointed as a committee to draft by laws to be submitted to another meeting. I think we adjourned for one week and at that time the laws were adopted in accordance with the report of the Committee

Q You mean at the adjourned meeting

A At the adjourned meeting the laws were adopted and the Recorder elected

Q Who was elected Recorder

A I was

Q When was that

A In 1853

Q How long did you occupy that position

A Answer until 1855 or 1856 when there was an other meeting called at Merula Springs - I still ^{continued} occupied as Recorder although I was not there at the Hill

Q What Hill do you now refer to

A Indiana Hill

Q My question was up to what time did you occupy the position of Recorder of that Mining District

A 1855 or 1856 It might have been 1857

Q And since that who if you know?

A Joe W. Hollenbeck

Q Describe to the Court just what territory is embraced within the mining district you have just spoken, with respect to the properties of the Gold Run

Company. I might save time if permitted by asking if the properties of the Gold Run Company were included in that district.

A Not in the first district formed there.

Q If you can give the boundaries please do so.

A The boundaries of the District I speak of includes running north by Potato Ravine, and south by a ravine known as Indiana Ravine. That was the Indiana Hill District. I do not know how far west it went. In 1856 or 1857 they held another meeting at Mountain Springs.

Mr Cadwalader - You were not present at that meeting.

A. I was not.

Q Let me understand as you go along - Did the boundaries of that first District embrace the present Gold Run claim - The claim of the defendants in this action.

A It embraced the Indiana Hill claim - the property was known as the Indiana Hill claim - not all their property
 Q Here is a ~~pen~~ that makes a blue mark

At this point a conversation ensued between counsel with reference to making certain admissions that would answer the same purpose as the evidence sought from this witness

Recess till 2 P.M.

Afternoon Session
Friday 23rd 1881

Testimony
of H. H. Brown

direct - resumed

Mr. Wallace In reference to the Subject matter of the proposed stipulation which has been suggested we will take this paper and at a very early time in the Vacation which is about to occur we will submit it to the gentlemen -

Mr. Rhodes We should also be glad if they would examine this matter in relation to No. 1 and 2 and not confine the examination to No. 3 alone

Mr. Wallace Yes, the whole of it

Mr. Dyne Mr Brown have you ever made any estimate of the production of gold in that district which we have all spoken of here as the Gold Run Mining District and if

So again what do you base your Estimates. What were your means of knowledge and information and how close do you think they are. A I have made such an estimate of the production from 1860 to 1878.

Mr. Cadwalader In what district?

Mr. Byrne In the Gold Run district.

A The total result was about 600,000 of dollars.

Q During that time what was your especial business?

A Well, I was charged with the express office there and the banking establishment at Gold Run, and I was gone most any way and in other business connected with that.

Q I will give you a leading question. I will ask you to say whether or not during that time you were agent of Wells Fargo & Co for that district?

A I was myself a portion of the time and then I was employed by the agent

Q And during the other part of the time of which you speak in what capacity were you acting in the office, if at all?

A I had the entire management of the institution, and the office and Banking Establishment

Q I ask you in what capacity.

A As clerk and managing agent.

Q I now ask you if your statement in regard to the production of gold in that district is based upon your knowledge derived from your information in relation to Wells Fargo & Co and your experience as the agent of that Co. and as a gold-dust buyer?

A. Well, there was 4,500,000 of it passed through my hands, through the office.

Q It passed through your hands.

A Yes, and the others - I got some portion of nearly all the gold - some portions of nearly all the Companies there. I frequently saw that that I did not get and I have made

this estimate several times
I have been asked the
question a great many times
as to the production and
my conclusion was about
6,000,000 during the years
from 1865 to 1878

Q Between what times
were you agent for Wells Fargo
and Company at Gold Run

A I was appointed in
1872. I bought out the old
firm there and run it
on my own account

Q Between what times
were you practically or substantially
agent -

A From the time the office
was established

Q When was that

A The first of March 1865 -

Q And up to what time -

A - Up to Dec 1872 and
then I was appointed agent
and I held it as long as I
remained there

Q How many operators in
that district took their bullion

to any other office except your office

A By looking at that matter I can name the Companies from which I did not get any of it.

Q State generally

A I will state the Union Company as represented here - The Union Company the Gem and the Druid and I did not handle any of their gold but I frequently saw it - frequently weighed the amount of it on my scales - Sometimes it would be left there for a day or so in my office

Q You say you received no portion of that.

A. No sir I did not handle it. I handled it only in that way. I did not buy it or ship it.

Q In your estimate just made you have not included that

A. I have

Q You have included that

A. Yes

Q In which estimate

A In the \$6,000,000

Q Where did that bullion go to

A. Dutch Flat

Q You saw it frequently you say

A Yes, Those were claims that Bradley and Gardner owned then -

Q Do you know a man named Harkness

A. I do

Q What do you know of the production which resulted from the operations of his mining claim there during any one particular season

A Well we purchased some of his gold - I frequently saw it

Mr Hart. Where was that Mr Byrnes - In the Gold Run Mining District If you know you can point out his claim on the

map there.

Mr Hart. Is that the claim that is marked the Harkness claim

The Court. It is so marked here

Mr Byrne Will you oblige me by stating to the Court the amount that was produced at that claim any one particular season

A. ~~60,000~~ in one year

Mr Cadwalader. I do not think this is a fair way to take the best year, the cream of the whole period but I do not know as I have any right to object to it.

Mr Byrne. When did you know of the Indiana Hill claim first being worked Mr Brown and by what process and in what manner

A. I worked a portion of it in 1853, the portion that I testified I located and

it was worked every year right
along during the water season
The water supplies were
limited then sometimes
there were not over two or
three months in the year
- in the first part

Q From what source
was the water derived by
which that claim was at
that time worked

A From Canon Creek

Q And how was it
brought to the claim, Explain
that

A. There was a company
formed there in 1852 that
dug a ditch to Canon Creek
It was the second right
to the water And it did
not last long

Q And in what manner
was it used

A It was used for
ground sluicing and working
along on the face of the bank
working it down up to
about 1854

Then after that in 1855 they commenced hydraulicing on two portions of it—

Q Speaking of hydraulic mining when did you first see that process employed and where?

A I was at Nevada City and saw the first hydraulic ever put up so said I went from Indiana Hill over there to see it I went from Indiana Hill to Nevada City to see it It was below the town—it was west of Sugar Loaf Mountain Northwest I think probably it was Mr Hart When was that?

A— In 1853

Mr Byrne For what particular purpose did you go there?

A Well with a view. I had heard of it— with a view of constructing such a one for my own use—

Q Did you see that place that we have been

speaking of as Gold Run District before the surface was at all disturbed.

A. Yes I did.

Q State to the court your knowledge observation and experience of the manner in which the upper bench or level, or slope, or what ever miners call it was washed.

A. Well the very first mining that was washed in this district, they worked in the ravine, or in the sag upon the side of the ravine. They worked there from 1854 up to 1856 or 1857 before they commenced washing in on this hill formation. It was a red soil and quartz gravel - Some places it would be from five to ten feet deep. and forty or fifty feet wide all along on the sides of the hill, and then after the Juba water was brought in there after 1854 and there was plenty

of water then they started lower down and commenced washing it all along the body of the hill. They continued to wash off that first bench as we called it and after that several companies run in short tunnels from Canon Creek and they washed another bench from forty to seventy feet over the Gold Run Claim the Church and Golden Gate the Karne Claim and the Palmer Claim, short tunnels were run into those claims and also into the Gold Run and the North Star was worked over in the same manner, and previous to working the bottom.

Q I wish Mr Brown you would describe to the Court the manner in which these top deep diggings as we now speak of them were discovered

A - At Indiana Hill?

Q In the Gold Run Mining district

A. The first discovery was at a point here - (indicates) Below this Indiana Hill claim in 1852 right at the break where it breaks into the American River. The ground was shallow. That was ground sluiced off in the first few years.

Q That you say was in 1852

A Yes it commenced in the winter of 1852

Q To what extent have these mines continuously from that time up to the present time been worked

Objected to -

The Court - How have they been worked since. What proportion of the time since that time have they been worked

A. During the water season - Whenever the water could be obtained every year - There has not been

a year since I have been on that claim that it has not been worked

Q Are there any mills in that section of the Country

A There is a mill down on this first point where the mine was first discovered - a crushing mill.

Q Will you describe that to the Court

Mr. Cadwalader What kind of a mill was it

A - A cement mill. It has been there a good many years - A portion of that ground had been stripped off down to the hard material and they drifted it.

Mr. Byrnes Q Where was that mill

A. It was on the Mill Companies ground so marked on the map

Q Describe the extent of the ground

A. It is not large it is very small the original

mill ground

Mr Cadwalader. Was that
a mill with stamps

A. Yes

Mr Byrner. Describe the
operation of that mill or the
Company operating that mill

A. It is to get out this
kind of material something
similar to this and they
crush all of it of that size
and they generally throw out
all of that size (indicating)
It is all reduce pretty fine
so that it runs off

Q Why did they do that

A. On account of its
hardness and not washing
easily.

Q Could that material
be worked by the hydraulic
process

A. Well not to extract
the gold thoroughly.

Mr Cadwalader. It could
not be done thoroughly

A. No sir

Q Not to extract the

Gold thoroughly

A. No sir not by the hydraulic process

Mr Bynne Now lay have the operations on that claim by the mill Company of which you have spoken continued

A. Up to the time I left there, Up to the time I left Gold Run in 1878

Q Who was the first Recorder of the Gold Run Mining District

A. Mr Hollenbeck, of the Gold Run Mining District

Q Who was the first recorder of the Mountain Sprigs

A. Mr Hollenbeck

Q Who was the first recorder of Indian a Hill

A. I was.

Cross Examination of A. H. Brown

Mr. Cadwalader. You say you came to Cold Springs in 1880

A. Yes - Q. How far is Cold Springs from Gold

Run - A. It is about a mile Q It is about a mile - In which direction - Gold Run

from Cold Springs - A. It is about in a North East direction

Q In the direction of Dutch Flat? A Almost in the direction of Dutch Flat

Q Where is Squires Canyon in relation to Cold Springs?

A It is between Dutch Flat and Gold Run.

Q It is between Dutch Flat and Gold Run in what direction

A It heads up by the Rail Road runs into Bear River

Q There is where you did your first mining?

A On Bear River near Squires Canyon.

Q This was what was called Canyon mining, in the bed of the Canyon

A I did not mine in the Canyon I mined on Bear River.

Q Your mining on Bear River was River mining?

A Bank mining

Q Then you say you went to Little York

A Yes,

Q How long did you stay at Little York?

A I went there in October and remained until the following March

Q You stayed there until March?

A I went there in November

Q What kind of mining did you do there?

A It was known as Ravine Mining - on Scotts Ravine
Q as Ravine mining?

A Yes.

Q How were the Claims located on the Ravines?

A Well they were located about 100 feet long and 50 feet wide as a general thing.

Q On one side

A No 25 feet on each side of the natural bed of the stream.

Q That was the kind of Mining that you done at Little York - Ravine Mining?

A Yes

Q The Claims you say were limited to 25 feet that is up and down the ravine?

A No sir, 100 feet up and down the ravine.

Q And it run back into the bank —

A (Interrupting) 25 feet back on each side, 50 by 100 feet

Q What were the size of the Claims in Bear River below Squares Canyon?

A I do not know there were not many people there at that time, you could take up all you wanted.

Q Did the Claims have any particular size?

A I think not on the River.

Q Then you stated that you went to Indiana Hill in the fall of 1852 and you stayed there until some time in '54?

A Yes.

Mr Cowdallader And during that time you said you

were at work on this ravine?
A I worked on Indiana Hill
ravine.

Q On Indiana Hill ravine?
A Yes

Q Which direction does that
run?

A It runs into the American
River.

Q It runs nearly parallel
with Canyon Creek?

A No sir not exactly par-
allel somewhere near it
perhaps.

Q You were not working in
Canyon Creek then were you?
A No sir.

Q How were the Claims lo-
cated on that ravine?

A Located 100 feet long and
25 feet wide

Q That is running up on
the bank 25 feet?

A Yes.

Q That was the size of the
Claims there?

A The ravine Claims.

Q Of The ravine Claims?

A Yes.

Q Give me the precise dimensions of the Gold Run Mining district?

A As it is at the present time?

Q No Sir. As it was formed as you say it was formed by the miners at there adjourned meeting in 1853?

A The Gold Run district was not formed then.

Q Well that district that was formed by the miners meeting in 1853.

Mr Byrne So you mean the boundaries of that district Mr Cadwallader The boundaries of the district.

The Witness It was bounded on the north and east by Potatoe Ravine, east by the brow of Canyon Creek Hill running around; On the west by American River Hill, the brow of the hill went around, and what is known Indian Ravine, and

up that; I do not remember precisely on the side toward Mountain Spring where it was located,

Q About where was it?

A Up about the head of potatoe ravine there was a ranch there and I think it was up to the ranch

Q How much territory did it embrace?

A Well less than a mile square I think.

Q About a mile square?

A Yes.

Q What was the size of the Claims?

A The Hill Claims were 60 feet square. the early locations there.

Q Were the Hill Claims different from the Ravine locations?

A Different in locality and size only

Q In size?

A The Ravine ~~Claims~~ Claims I understood were sometimes —

There was bed rock in the ravine some times that ran across the gravel bank. It was all called Ravine Claims & The hill Claims were 60 feet square.

A yes I said the original locations were 60 feet square.

The Court What is the importance of this testimony Mr Cadwallader I do not know that your honor ought to require me to disclose it but I will do so if I am required.

The Court I do not see any force to it at this moment. I do not want however to consume time.

Mr Cadwallader And I do not wish to consume time.

The Court Well go on then.

Mr Cadwallader Just mark on that map any of the Gold Run ground that was taken in, any of the ground of the Gold Run Mining Company. A That is embraced in the

mining claim

Q There is a map behind you take a pencil and indicate the portion of that ground that was embraced in the old district.

A It was all of it embraced in it, The Indiana Hill Claim was all embraced - this pit was embraced in it. A From here to here (Indicates). There was a ravine coming down here - Indian Ravine in this direction (Indicates) pointing from this ravine over here.

Q The Indiana Hill Claim from this line here (Pointing) A No this is it (Pointing) The Court What was in the Indiana Hill district A All this ground that is worked off from ~~it~~ here to there (Indicates) was in the Indiana Hill district.

Mr Cadwallader That is the first district you formed? A Yes sir

Q The first district you formed?

A Yes

Mr Byrne Ask him to designate what he means by from here to there.

Mr Cadwallader All the Claims All of the Gold Run Company's Claim south of Potatoe Ravine was embraced in that old district?

A Yes.

Q What were the size of the Claims in that district?

A I said the original locations were 60 feet square

Q 60 feet square?

A Yes but you do not let me go far enough to explain myself in regard to those other districts

Mr Cadwallader I will give you time enough to do that

Mr Byrne Proceed

Mr Cadwallader I will give you an opportunity to do that -

Mr Byrne I would like to have it done now this is the appropriate time

Mr Cadwallader The appropriate time will be when the question is asked.

The Court Answer the question fully if you desire

Mr Cadwallader I have no objection to its being answered.

A I will say that a good portion of this ground was not located at all until after the district was enlarged and called Mountain Spring district. A good portion of it was not located at all

Mr Cadwallader I object to that because the witness stated in his direct examination that he was not acquainted with the formation in the Mountain Spring district.

Q How were those claims worked

A They were worked first by

ground sluicing as they
called it - picking it off
and sluicing it into the
Canyon.

Q Into what Canyon?

A Into Indiana Ravine, Right
on to my Claims down there

Q There was no work done
into Canyon Creek?

A It commenced in 1854, In
1854 they commenced running
at the Canyon Creek from a
portion of the ground.

Q Into Canyon Creek?

A Yes.

Q Were any of those Claims
worked by means of holes or
shafts?

A at what time?

Q Any of these hill Claims
A Yes.

Q Well what sort of them?

A They have been at work
with a hose nearly all of
them, They might have used
jacks when they got the
surface ground worked off

Q I want to get at the

Manner in which these Claims were worked, whether any were worked by means of pits as Contra distinguished from cuts?
 A I hardly Comprehend your meaning by pits

O Was there any hole mining there?

A They had some shafts there
 O That is what I mean?

A Prospect shafts?

O Were they used for working shafts?

A No sir.

O You stated that you located a Claim on Indiana Hill in 1852?

A Yes.

O What was the size of that?
 A I was of a company of five that located 500 feet in length

O That was up and down Indiana Ravine?

A Yes.

O And how far back?

A In what direction?

O Well up the hill?

A We run right up on to the hill.

O How far?

A We run up on to this gravel range 250 feet or such a matter.

O I mean your location

A It is about 250 feet right on the hill

O Was that authorized by the mining laws?

A If it was a ravine you could locate it on the bed rock or on the —

O (Interrupting) What was the size of ravine claims according to the mining laws and regulations?

A I have answered you two or three times, one hundred by 50 feet, 100 feet up and down the ravine and 50 feet wide

O State whether your claims were located according to those regulations as to size?

A At the time that location was made they had no

Regulations that I know of.
 That was before this meeting
 I have reference to.

Q It was before the meeting?
 A Yes

Q At the meeting they fixed
 the size of mining Claims
 on Indiana Ravine and on
 Indiana Hill?

A Yes and Claims already
 located they did not meddle
 with them they were left as
 they were but they prescribed
 how Claims should be located
 and what amount of work
 should be done in them and
 where it should be done.

Q That was all?

A That was all.

Q Now did they make a difference between hill Claims and Ravine Claims?

A Distinctly.

Q They were different sizes for different locations?

A Yes different sizes

Q And the Rules prescribed that there should be a certain amount of work done to hold the Claims?

A Yes.

Q And that was the extent of the Rules?

A About, as far as I can remember.

Q What?

A About that; that was about all of the Rules. Q Now you say that there was another district formed which was called the Mountain Hill district?

A Mountain Springs, those two names got confounded when there was a post office established there they had a change of

Name from Loved Springs
to Mountain Springs.

Q That is the same place?

A That is the same place.

Q Do you know the boundaries
of that district

A I do.

Q Please give them.

A It included all of this
Indiana Hill district over
to what is now or was
called at that time Milk
Ranch Ravine, it came down
nearly through the centre
of the Harkness claim
and went over to Bear River
Q When was that district
formed?

A I cannot state precisely
the year, it was 1855 or
1856. I think in '56

Q Did that embrace the
Old Indiana Hill district

A It did.

Q Did you attend the
meeting?

A I was not at that
meeting.

Q You say there were about two thirds of the miners present at the meeting in '83, you say two thirds of the miners were present at the meeting which adopted the rules of the Indiana Hill district?
 A I believe I did say so
 Q And you stated the number was between 40 and 50, }

A Yes

Q What was the size of the claims in this new district?

A They increased the size of the Ravine Claims to 500 feet long and 150 feet wide. Hill Claims to 200 feet square. That included the ground that was not located.

Q In these Ravine Claims which way did the 150 feet go? was that up and down the ravine?

A Crossways! Across the

Ravine Always.

Q That would be 75 feet
On each side?

A Yes. They would generally
take the Centre of the
Ravine for a starting
point and seventy five
feet on each side.

Q And then they got 500
feet of the Ravine?

A Up and down - yes.

Q And the Hill Claims
~~was~~^{were} square Claims?

A 200 feet square.

Q Were the Regulations
as to work the same as
at Indiana Hill?

A I cannot say as to
that. I have seen the
laws and regulations many
times but I do not remem-
ber now much about them.

Q They were written were
they?

A Yes

Q You have had them
in your possession as
Recorder?

A I have, as recorder, and
I have had them when I
was not recorder.

Q They have been used a
great many times?

A yes.

Q Have you got them

A I have not.

Q Have you seen them
since you have been here?

A no.

Q Are you sure of that?

A I know it.

Q You held the office
of recorder until what
time?

A Until the meeting which
was at Mountain Springs
at the time that district
was enlarged at the time
Hollenbeck was elected.

Q What time did you
cease to be recorder or
were you ever recorder
in the new district?

A No, I think I did
some recording in the
absence of Hollenbeck for that

district. I am sure of it.
The books were kept at my
store and in his absence
I think I have done some
recording.

Q When did you become a
store keeper there?

A I went there in 55 or
in the fall of 54 and
commenced building there.

Q You remained a store
keeper until you left there
did you not?

A I remained a store keeper
until 61.

Q What did you become
then?

A I was a miner part of
the time, I was mining
during the time I was keep-
ing store most of the time
engaged in mining.

Q Tell me when you ceased
to be a store keeper?

A Sixty one.

Q Now what was your
next occupation?

The Court He told you he was

mining.

Mr Cadwallader I want to show where he was located.

A In sixty one I went to Gold Run - in the fall of 61. And I built several buildings there in 61 and 62. When did you first move to Gold Run or where did you keep store before you went to Gold Run?

A Cold Spring or Mountain Springs.

Q How far off was that from Gold Run?

A Oh about a mile in a direct line.

Q You went to Gold Run in sixty one?

A Yes.

Q You say you built a number of houses there?

A Two or three.

Q What else did you do?

A I mined while I was there.

Q What else

A Do you want me to cover
all the time I was there
O yes?

A I was Express Agent
and I was in Charge of
the Bank established there;
attending to the Express business,
there; handling Gold,—
buying and retorting.

O I want to know whether
from the time you went
there until the time you
left you were not merchan-
dizing and Express Agent
A I would not call it
merchandizing?

O What?

A Perhaps I did not
understand your question
O I will ask you; From
the time you went there
until the time you left
whether you were not mer-
chandizing upon the hill
at Gold Run and attending
to Wells Fargo Express bus-
iness?

A No, I was not merchandizing

As I understand the term
 O well what were you
 doing in 61 at Gold Run,
 I will have to take you
 by years?

A I learned the Carpenters
 trade when I was a boy,
 and I worked at that at
 times,

O you were a Carpenter
 in 61?

A For a while, I helped
 build a house for Hollenbeck
 and built one for myself.

O What did you do in 62?
 A I was with Hollenbeck
 a while and helped him
 some. And I was gone
 to Idaho six months in
 that year. I was in this
 City on the first day of
 March.

O You were with Hollenbeck
 who was Wells Fargo and
 Company Express Agent.
 A No, He had a Hotel
 there.

O And you helped him

run it for the first half
of 62 and the balance
of the year you were in
Idaho?

A Until September in 62
when I returned there.

Q What did you do the
next year—63?

A A good portion of the
time I was engaged in
constructing water works
to supply the town with
water.

Q In 64 what were you doing?

A In 64 I worked in the
mines some.

Q What do you call working
in the mines some?

A As long as I had water

Q Or what place?

A What was known as
the Gold Run claim

Q Where?

A Right immediately below
Gold Run.

Q What place? Just point
to it.

[Witness pointed to it]

What was the size of that Claim?

A I do not know. It is pretty large now.

Q But what was the size of it then?

A I could not say.

Q How long did you work there?

A While they were making one run, what they call a run. It usually takes a month or so.

Q Now take 1864 what were you doing in 64?

A I was at Little York in 64 - part of the time.

Q Well The balance of the time?

A I was at Goen Run?

Q What were you doing there?

A I was working at Carpenter work some until the fall of sixty four.

Q What were you doing in 65?

A I was in that Express

And banking house attending
to that business

Q What were you doing?

Were you Wells Fargo and
Company's Agent?

A I was not then.

Q Who were you working for?

A I was working for Moor
Minor and Company. That
was the name of the firm.

Q What were they? Merchants?

A No Bankers. They had
an office at Dutch Floor
at the same time.

Q Were you agent for Wells
Fargo and Company?

A They were.

Q What did you do the
next year?

A What year was that?

Q 1866?

A I was in the same
business.

Q And the next year?

A I was there.

Q When did you become
Agent of Wells Fargo and
Company there?

A In 72

Q Between 67 and 72 were you in the employ of Moor Miner and Company?

A From 65 to 72, all the time.

Q You were Clerk for Moor Miner and Company?

A Yes.

Q And from 72 to 78 you were Agent for Wells Fargo and Company?

A Yes.

Q At the place called Gold Run?

A Yes.

Q You never did any mining then except for three months on that Gold Run Claim? and the little mining that you did in Squire's Canyon and in Indiana Ravine, up to the time that you went into the employ of Moor Miner and Company?

A I did.

Q Well where at?

A I mined in Gold Run
 Ravine during the time
 I was in business at Gold
 Springs. I was interested
 in Mines Musr all the
 time, somewhere?

O What ones?

A I was interested in the
 Gold Run Claim; I was
 interested in some mines
 Across Canyon Creek, over
 on the other side.

O What names?

A There is no name for
 it. Bogus Hill they used
 to call it.

O How large a claim did
 you have there?

A They were not very large.
 There was not much gravel
 there to make large claims
 I think they were located
 about the size of the old
 claims

O I ask you the size of
 the claims over on what
 you call Bogus Hill

A I think there were located

the same as the Indiana
Hill Claims! Sixty feet
O were they square locations
I I think they were.
O 200 feet square?
A No. 60 feet in the old
River bed.

O Now during the time that
you were mining there did
you ever know of any rule
regulation or custom requiring
a miner to work his claim
in any particular manner?
A No not in ~~any~~ particular
manner

O He had a right to
work it as he pleased

A There were rules govern-
ing when he should work
it in order to not forfeit it
O What?

A There were rules compelling
him to work it a certain
time and if he did not
he lost his claim; it would
be considered abandoned?

O But every man then worked
his claim as he saw fit.

A I think so

Q Thor is he was not compelled to work in in any particular way?

A No

Q There was no custom then I suppose requiring people to go to bed at any particular time was there, or to follow any particular routes.

The Court Now I think we may consume our time more profitably than that Mr Cadwallader you say the district that was formed of the large district went over to Bear River, was bounded on the north by Bear River?

A Yes, The brow of the hill
Q And it went how far south on the ridge how far north on the ridge?

A Bear River would be on the north side rather

Q I mean east and west how far west?

A Canyon Creek on the east side and west over to this Indian ravine which I have described before.

Q And how far towards Sutch Flax?

A This Milk Ranch ravine is towards Sutch Flax, That was the boundary line at that time.

Q Sutch Flax ravine?

A Milk Ranch ravine, on this Harkness claim.

Q It was about five miles square was it not?

A I hardly think it was that large, I do not think the district now is that large.

Q Between 65 and 78 how many persons were engaged in mining at Gold Run?

Commence with the year 65?

A There were probably 2 or 3 hundred in 65.

Q How many in 66?

A In 66 and 67 there were more than any other year.

There were probably 200 in
those two years.

O How many the next year
A It fell off some. I hardly
know

At this point the Court
took a Recess until

Tuesday January 3

1882

at 9.30 am

In the Superior Court
of the State of California
in and for the County of
Sacramento

The People of the State of California vs.	} Morning Session Tuesday Jan'y 3 rd /82
The Goose Run Ditch and Mining Company	

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Winfield J. Davis
Official Reporter

In the Superior Court
of the State of California
in and for the County of
Sacramento

The People of the State
of California

vs.

The Gold Run Ditch
and Mining Company

Morning Session

Tuesday

January 3rd / 82

Testimony
of

James Galloway

Called for defendant

Sworn

Mr. Catlin Please state when
you first came to the City of
Sacramento? a. I arrived
at Sacramento about the first
— from the 1st to the 5th of Sep-
tember 1849.

I state how long you re-
mained here in the City at that
time? a. Well, the

first visit was simply a visit for supplies and I came here twice before I located here

Q. When did you locate here?

A. I located here in November I think about the 1st of November 1849. I located on L Street

Q. State whether you were here in January 1850, what business you were engaged in?

A. I was here in January 1850 and I had a hotel or lodging house, eating house and I had a bar, and I had some cattle here and I was supplying portions of the City with wood, delivering it - getting it cut here by individuals and delivering it

Q. What occurred here in January 1850 in the way of a flood?

A. In the early part of January 1850 the flood commenced. I will not say whether it was the 2nd or a little later, shortly after the 1st of January

the flood commenced to rise

I state from what direction the water first came into the City? A. The water first came in the City from the American River, away back I suppose it would be from this point about (under Cates) - well, from a point about there it came down that slough

Mr. Hart. Where did you say it came into the City?

A. Well, from the American River, it would be north east, in a north east direction from which it first came. I bought the morning of that flood I bought some barley and I had had work to get it up home, and the last place that was covered was the levee to our utter astonishment. I supposed I was way above - I was on L. Street between 6th and 7th and I thought I would be way above the flood because of that, but I think it even

The last place covered was the levee

Mr. Catlin State the extent and depth and state what you did, and what means you have of knowing the general extent?

A I had some sick folks and I had them moved from my house to the Methodist Church, that was located I think below 6th and south of L. It was nearly crowded with people when mine went over there. I took from 4 to 5 or 6 people from my place my wife amongst them, and Mr. Wright and Mrs Wright, and George Lyon and ^{Dr} Joe Hastings and a lot of men went over with me. I made a raft and I got some lumber that I had. I had been building some and I had some lumber and some that floated down there. Martin Goodfellow and I built a raft and I pulled around and got my goods to an Island

which I suppose to be near
 here some place on T Street. It
 had been an Indian Mound
 I presume sometime. I took
 some of my goods there and
 after my people had remained
 in the church awhile — It
 was up on pillars, posts.
 They must have been 3 or 4
 feet high and the water came
 up under the church and into
 it and the back part of the
 pillars gave way and the
 church turned sidling and then
 we had to move our people
 out again. I moved my family
 and those that were with me
 — Several were sick, and one
 of them died — Mr. Armstrong's
 son died. I moved them to
 the brig Selma and I think
 the landing was nearly at the
 foot of L. Street. I moved
 my family there and I purcha-
 sed a boat, and paid \$150
 for a little boat, about
 3 feet wide at one end and
 10 or 12 feet long

2. State how long you were engaged in boating here during that flood - about how long?

A Well, I was off and on I think several days. I was very active at the start. I relieved as good many families and took them off to the land and to this island. I remember some of their names if you wish them. Zumwalt's family was one of them.

2 It is not material.

A I was at it for a number of days, and after that I went over to Coates Ranch on the Cosumnes River to get some cattle that I had there.

2 State from what place you relieved the Zumwalt family?

A Well, he was up, pretty near in that direction from the island. It must have been - I can get pretty near to the place. It must have been as high up as 10th or 12th Street, I think, and I think they lived

in a little tin or iron house,
and the props had worked
out from under it and it got
tilted on one side and they
were on top of it and I re-
leased them and took them on
to the main land

Q State whether during that
time when you were out with
your boat and raft you were
over the whole of the City
or not?

A. Yes, I was
nearly over every part of the
City

Q State what depth of water
— what was the general depth
of the water?

A Well, I think it varied
average — I do not intend
to give an average but I think
it varied be about four feet
to 8 or 10 feet. There were
places 8 or 10. On the levee
I think it was less than
4 feet considerably but not
in the City after you left
the levee, I did not pay
much attention to it.

But to our utter astonishment the banks of the stream were the highest, and it was the last place covered. I went over there but I do not think it could be over 2 feet above the levee at that time.

I step around and look at that map there and state to the Court whether it is a fair representation according to your recollection of the condition of the City during the time of that flood?

A. I was looking at it a moment ago. I never saw it before. It seems to me to be a very fair representation. At the same time it seems to be more compactly built, the front part. The Church I suppose of course be some place it here on L. Street and 6th. I had a house there that was some 50 feet deep by 18 or 20 in front, and I had banks there and it raised over the banks.

2. I understand you to say that this is a very fair representation according to your recollection of the city at that time? A Yes, a very fair representation.

2 That island is represented there with the tents on it?

A I suppose that is intended for it. It was on I Street. I think it was as near on I Street as I could make it. I could put it between 8th and 9th, some place along there, but they have it here I see higher. There was but one place that was not under water. It was all perfectly flooded except that one place. Mr. Catlin I propose to put this map in evidence. It is Certified by Capt. John A. Sutter and S. L. Thomas and J. H. Filer, Editor of the Placer Times in these words "We cheerfully concur in recommending the above as being a true and accurate drawing of

the City of Sacramento as it appeared during the flood of January 1850.

The Witness I will state in explanation in regard to that map, that when I came here there was a long line of tents away behind and extending out toward Sutter fort, along the streets - J. Street, K Street L Street and on I Street, those tents do not appear there at all. The fact is, the flood - when the flood came they pulled them up and put them away. A great many of those tents were taken out on to the main land and some on to the island. But most of them were on the main land. The flood commenced in the evening to rise above our place. It began to rise there and before we had supper it was up. I never saw anything rise so rapidly because the next morning it was three or four feet high and it kept

raising. It subsided very rapidly too, I will add that. It went down rapidly. I left here on the 8th day of February and started for Downsville or the Forks it was called then in 1850.

Q - Where did you go then?

A - I went up the river.

Q - On the 8th of February where did you go?

A - I went up to Marysville and from Marysville up to French Corral.

Q - How did you go to Marysville? A - We hired -

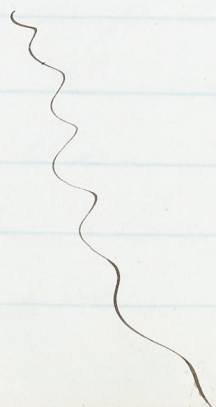
Goodfellow and I hired a large whale boat and bought some supplies and took our people with us, some that had crossed the plains with me.

Q - State as you went up the Sacramento River what condition the river was in as to clearness or muddiness of the water?

A - Well, the Sacramento

River during the flood, was of a murky, dark color. It was as clear as crystal in the fall prior to the flood. but when the flood came it was all dark and you could not see the bottom here although it was in places two feet deep. You could not see the bottom. ~~anywhere~~

Q—As you went up the river how did it look? A—Well as I went up the river the color was the same. It was ~~not~~ the color that it is now at all, but it was that dark muddy color, made by flood. It was not clear when we went up the river. Mr. Goodfellow fished here in the Fall and I was frequently down there. It was very clear during the summer.



Cross Examination of James Galloway

Mr Hart How far were the house from the levee in 1850?

A. I would suppose the houses from the levee were about from one hundred - from 80 to 100 feet may be a little more. I never was particular about it although I was there 100 times.

Q At what distance from the River or the levee?

A We did not have much levee then.

Q Are you speaking of the distance from the River?

A I am speaking of from the River. The River when up came up to the tops of the banks and when it was low it was

If a Considerable distance,
The bank receded gradually,
they had dug it down,
Q From the tops of the
bank you think they
were about 80 feet?

A I think so.

Q You say there were
no levee there at that
time?

A Well they had improved
it some but the improvement
was very slight at that
time.

Q How much of a levee
was there in 1850?

A Well from below the
Sutter House up to nearly
where the mill is now
there had been some
improvement made. Some
parts of it were graded
down so that drays

could get down to the
boats and that sort
of thing but there was
no —

8018

Q (Interrupting) But there

Was no levees Constructed?
 A I do not know as there was any real plank or timber levee there at that time but I think it was only in places. Brannon and others had shipped a good deal of lumber here for building and I think they built something of a levee that I speak of now in the fall when I came here.

Q How high was the levee that they commenced to Construct, how high above the River, not above the River, above the bank?
 A You mean to say a levee on top?

Q Yes.

A It was not leveed then

Q What do you mean then by a levee?

A A wharf is what I am talking about, I was talking about a wharf. I got the idea that you

were talking about a wharf.
There was a road built
there but I do not think
it was raised up any
specially.

Q About what was the
average height of the doors
of those houses that you
see there?

A I think they are too
high a good deal in
that picture.

Q That is a photograph
is it not?

A No sir I presume not.
It is not a photograph.

The doors at that time
were made high and the
ceilings were made ^{tolerably} high

Q Were they any higher
than doors are made now?

A No sir.

Q And the ceilings were
not as high as they are
made now?

A Some of them run
clean up to the rafters
and in places the ceilings

were low.

Q The houses were generally low?

A Yes I think the picture is rather an exaggeration of the houses.

Q You say this is a correct representation of the appearance of the City during that flood do you?

A I did not say so. I said it was a very good representation a general representation, but a correct representation I emphatically deny. I have been criticizing it all the time.

Q You do not think it is a correct representation?

A I do not.

Q Were the houses situated above the ground generally?

A Generally unless they were built in another way — the way I built my house and a good many others built theirs. We run the posts into the ground and

there was no floor - nothing but the earth and occasionally some matting. Almost first Class Hotels were in that situation.

Q How were the houses generally constructed with reference to having floors
A Those that were framed were generally elevated upon posts.

Q To what distance?
A They varied very much. There was no uniformity. Some of them were made upon tobacco, upon boxes of tobacco. I was pointed out several where the boxes of tobacco were laid under the frame.

Q You see some tents near the banks of the River represented on that picture. Do you remember about those?

A I will have to go around there. These tents?

Q Yes.

A Those tents were temporarily placed there no doubt.

Q You remember anything about them?

A I do not remember them. There might have been a few tents there.

Q Now look at the picture. What were they constructed of?

A Well they were tents I presume that the Emigrants brought across the plains from the backs of them.

Q Constructed of cloth of some kind?

A Yes made of Canvass. There might have been a few. Sometimes men came in and brought their teams in and brought their tents with them and put them wherever they could get a place. There was nothing permanent in this matter at all.

Q These Cloth Tents would
not stand in the water
where there was any Cur-
rent would they?

A Well I do not think
they would stand with
much Current. To give you
a little piece of my Remem-
brance in reference to that
flood I will say that
right along side of the
brig Selma there was a
pile of scantling, sawed
lumber four inches square
and I took occasion to
measure that while I was
there and I think it
was only about two feet
and a half under,

Q Where was that?

A Well it is not shown
on the map. It is down
stream I believe. That
would be down below ac-
cording to this.

Q Below what street?

A Below L street

Q The City is lower down

there than it is up this way?

A I do not think it was any lower there at the place I speak of. I do not think it was at that time. And near Sutters Hotel. I was in all these houses here during the flood and I would suppose it was about two feet or two and one half feet along there. I could not tell you the exact height.

Q Where was Sutters Hotel?

A This is it here (Indicates) I suppose.

Q Was it above or below J street?

A It was below J street, the Sutter House. Sutters House according to my recollection stood between J and K I think. I do not know how they have got it here. This map to me does not go out far enough, that is out this

way far enough (Indicates)
 nor in proportion to its width.
 That is the objection I have
 to it. I have seen a map
 some place that represented
 our City very accurately but
 I think this is not the one.

Q You mean to say Mr
 Galloway? that the lower
 part of the City below L
 street was not lower than
 the upper part of the City?

A I do not think it was.

There might have been a
 little difference, a very little
 difference.

Q Did you ever take any
 levels?

A No sir. Nature makes the
 best of levels.

Q Did you take any levels
 or soundings?

A No sir I did not. I only
 judged. I am going to tell
 you; I had \$584 dollars
 worth of Bonley from old
 man Armstrong the morning
 of that flood and by night

the place where it stood
was under water and it was
about as high a place as
there was and I paid fifty
dollars to move it.

Q Was the Public Square
under water in 1850?

A The Public Square?

Q Yes.

A That must have been
very near the Island. I
do not know whether the
Public Square was under
water or not. I could not
tell you. The streets were
not laid off then as they
are now.

Q I mean the Public Square
between 9th and 10th I and J
Streets?

A There was but one place
that was not under water.

Q Was not that place out
of water?

A It was not under water
I think.

Q Where did you say this
water came from?

A Well I was not at the place where it Came in. It Came from the American River first.

Q Did you see it Coming from that River?

A I saw the direction that it Came and in going over to this Island I had to Cross a slough to get to this place. Over on this side we would have to Cross and we could see the Current and see by the drift where the water Came from. There was a deep slough passing Clear through the City diagonally and run up into the American River and the water Came down that slough. My house was built a few rods from that slough.

Q How much higher is the City now at the Public Square up here than it was in 1850?

8028

A Well sir, I was here before

they filled it up. I suppose you could get that answer accurately. I would say it is eight feet higher now. It is about eight feet higher now than it was then.

Q How much was that square out of water at that time?

A Well that place was made evidently by the Indians and it was rounded off on top and we were so crowded there that I went to work and got them to get into some kind of uniformity and each one to take so much ground. I took ten feet square for my goods and stuff and the others did the same. I did not stay there but a day or two.

Q How high did you say that was out of water.

A I say about three feet, not more than three or four feet. It was rounding.

A portion of the Centre was
up out of water a good deal
more than the rest and it
gradually went off.

Q The Centre was three or
four feet perpendicular above
the water?

A Yes. Say fully that.

Q So you know how much
J Street has been raised
since that time?

A I could not tell you
that. I think it has
been raised 8 or 10 feet.

Q And K Street about the
same?

A Portions of K Street
about the same I believe.

Q And I Street about the
same?

A I Street about the same
I think.

Q How high was the
water over J Street?

A How deep?

Q Yes. in 1850

A Well our streets were very
peculiar at that time, there

were holes in them and they were not level at that time. There were places in this City that my Oxen sometimes nearly mired down

Q That was in the mud?

A The mud and the low places. As a general average I would suppose four feet probably.

Q At that time you had no levees?

A No levees, no sir

Q Did the water run over the banks of the American River generally?

A Yes as far as I could see,

Q How deep?

A Well that I could not tell you. I never went around close enough to ascertain.

Q Was it running over the banks of the Sacramento River generally?

A It run over on the other side, over the banks of the

Sacramento generally, I had some Cattle drowned there.
 Q Did it run over on this side?

A Yes on this side

Q How deep did it run over the banks on this side?

A About two feet I think it was on the farm Clear along. Two to Two and one half feet. I Could not tell you that.

I know that was the shallowest part of the City and the lowest place it did go over. As to these tents, there were Tents standing near to my place on L street - tents were standing there where the ridge pole was just over in places.

Q How long did you remain in Sacramento after the flood of 1850?

A I went away on the eighth of february.

Q Did you Come back here to live?

A Yes.

Q How long did you remain here?

A I have been living in this City six or eight years.
Q After that, I mean after 1850?

A I stayed in the mountains and I would not even know the City when I came back. I was back just at the front here in 1852. I remember stopping here and looking at the Scows that were hauling people around but I did not stay here. I was going to San Francisco, and I was down here to a Democratic Convention in 1852.
Q You did not have any flood then?

A No sir we did not.

Q How long did the water stay over J Street in 1850?

A It began to recede very rapidly, It got to its height in a few hours. I never saw anything go off more rapidly but what time it

left J street I could not tell you.

Q It did not take it but a few hours to go off?

A It was several days before it got off of J street.

Q Before it got entirely off?

A Yes.

Q It left a great deal of the land bare?

A My place was bare in about three weeks. It stayed a good while on mine. It was higher where I was on L street.

Q I am speaking of J street?

A On J street I would say it was not over a week on any part of the street. It left parts of J street bare within a few hours after it commenced receding?

A No sir I could not say so.

Q How long was it?

A I think it was nearly a week before J street was bare.

Q Before any portion of it was?

A There might have been a portion of it that was high. I would not like to answer that question. I could not tell.

Q There might have been portions that were bare in a few hours?

A It held its own all over the City for a number of hours and then it started and went down rapidly, still it stayed up.

Q At that time was there a rise in both Rivers — the American and the Sacramento?

A Yes the Sacramento was up a little later. That is what kept it up as long as it was up. If it had been the American River alone it would have gone down very rapidly because the American did fall before the Sacramento River was at its full height. I was watching it closely as I wanted to see what I had lost, and what I had not etc. I will tell you

Another reason that I know of the height being what I have stated - about four feet. I piled my Barley on some Cord wood and I piled it so that the lower tier was about four feet high and the water came up to the lower tier and wet the lower part of the Barley and it swelled and burst the sacks and I sold it to Billy Muldrow for seed - 600 dollars worth and I went to the mountains.

Re direct Examination
of
James Galloway

Mr Catlin The House there known as Sutters Hotel and the House there known as the City Hotel were they houses of the description that you have mentioned having no floors in them?
A No sir.

Q You are speaking of the Character of many houses in the City but not all of them?

A These frame houses generally had floors but the houses — there was a great many houses made of brush and a great many made of Canvas. Those houses are not represented there at all and I think that the whole thing is a little fixed up to make the City look better than it was.

Q Look at the Sutter Hotel And see whether according to your recollection it was not quite as large as it is represented there?

A I do not think it was.

Q And the City Hotel. Did not the City Hotel have a balcony on it like that.

You recollect who kept that Hotel. Can you read the name on the sign there?

A John F. Somebody

Q This Island here - what extent of ground was there up here that was elevated above the water three feet
 A I do not think there was half an acre - more than half an acre in the whole of it out of water. It was just as densely packed as it could be with furniture and people while the flood was there. =

Testimony

H. L. Martin

Called by Defendant

Sworn.

Mr Catlin What is your occupation or profession?

A I follow surveying. At present I am engaged in ranching.

Q Where do you reside

A I reside at the Natoma Ranch, three miles this side of Folsom

Q State whether you have

Made a survey of the mining excavations on the banks of any parts of Alder Creek? A I have. I have made a survey of the mining excavations from the mouth of Alder Creek on the north bank for a distance of about three miles up as far as Paradise City.

Mr Cadwallader Three miles up the north bank?

A Yes.

Mr Catlin When did you make that survey?

A Two weeks ago today I started in to make it.

Q State whether this is a map of it?

A Yes that is a map of it.

Q Did you make this map yourself, and the surveys?

A I did sir.

Q Just unroll that map in the opposite way so that it will lay flat and describe it to the Court?

Mr Cadwallader I guess the

Map will speak for its self.

Mr Catlin Does that Map show the excavations on the North bank of Alder Creek just Contiguous to the American River.

Mr Cadwallader You mean that the Creek is Contiguous to the American River.

Mr Catlin I mean that the end of the Creek where it empties into the American River is Contiguous to it and the excavations are on the north bank of the Creek and Contiguous to the American River.

Mr Cadwallader Contiguous to Alder Creek I suppose.

Mr Catlin Some of it is Contiguous to both

Q State whether you examined those excavations and measured them. state whether you measured them?

A I did sir I measured all of them.

Q How many Cubic yards of excavation were there at the points indicated on that map. Are they marked on the map?

A They are marked on the map at each excavation.

Q Just read them?

Mr Cadwallader I suppose they are recapitulated on the map.

Mr Catlin I want the reporter to take them down.

Mr Cadwallader You had better put it in as a diagram.

A I will read it by sections.

Q State the gross Amount?

A 2,465,712 Cubic yards

Q These excavations are on which side of the Creek?

A On the North and East side.

Q Were there excavations on the South and West side?

A There were, yes

Q State comparatively how extensive they were with those that you measured?

Po 41 A Well I examined them

As I went up and observed them Carefully and I should Judge they were about one Sixth as much down on the South and West bank for the distance I went as I measured on the North and East bank.

Q What is the Character of the soil or the earth?

A Well it is a kind of reddish sandy soil, loam.

Q What are the general depth of the excavations that are marked on there?

A They are not marked on there.

Q About what is the general average depth?

A Well they vary so much that it would be pretty hard to state. generally

Q State generally?

A Of the large excavations the average is about 15 feet.

Q The area extent is

8042

Correctly represented on this

map according to the scale is it?

A Yes.

Q You said the soil was a red soil?

A Yes.

Q State whether it is gravelly?

A Yes it is gravelly to a certain extent.

Q How large are the stones about?

A All sizes from two inches to six inches in diameter.

Q What was their shape generally - Were they what are called cobble stones, is that the general shape oval, rounded?

A Yes.

Q I will ask you whether you made a survey on the premises of John B Taylor at any time?

A I did sir.

Q Just state generally where his place is situated

A It is situated on the

Old Coloma Road about a mile and a half from the Hang Town Crossing, it is in section 23.

Q Did you take a level from the surface where the well is situated to the River?

A Yes.

Q What other level did you take there. State whether you made a diagram of it?

A I did. I made a survey and took the levels from the present surface of the water in the River up to the Well at Mr Taylors place and run diagonally on a south easterly course to the 1st mile House on the Hang Town Road and I made a diagram of it.

Q Is this the diagram (Exhibiting paper to witness)

A Yes that is it.

Q State what was the level of the surface of the ground at Taylors Well above the elevation of the water in

the American River?

A Forty three feet.

Q When did you take this

A I took this day before yesterday.

Q What was the depth of the well from the surface to the bottom?

A Forty four feet and two inches.

Q What was the depth of the water in the well?

A Seventeen feet and ten inches.

Q Seventeen feet ten inches?

A Yes.

Q What was the elevation of the water ⁱⁿ the well above the present level of the water in the River?

A It would be about 15 feet would it Mr. I did not take the difference.

Q Can you state about how high the water was at the stage when you measured it the other day in the American River above its low water level in the summer?

A Well I am told that it was three feet. I do not know personally I know from persons —

Q (Interrupting) Was Mr Taylor with you?

A Yes he was

Q Did he state that to be the level.

(Objected to)

Q From your knowledge of the River state whether the water is higher now — whether the water in the American River is higher now than it is in the lower season say in August or September?

A Yes I know it is.

Q From your knowledge of the River there about how much higher would you judge it to be now and when you made this survey day before yesterday than it was or is usually in the low summer season in low stages?

A Well I should think

About three feet.

Q Did you Continue the level from the Well to the Hang town Road. I understood you to say so?

A Yes I did.

Q How high was the surface of the old Hang Town Road at the Fifteen Mile House above the level of the water in the River?

A Sixty four feet.

Q What is the distance from the Well to the River in a direct line by the Shortest approach?

A Pretty nearly a mile.

Q Less than a mile?

A Yes.

Mr Cadwallader Is that in a North and South line?

A Yes.

Mr Catlin How far is it from the Well to the Fifteen Mile House by the Course of your levels?

A About three miles - No

About a mile and three quarters — pretty near two miles.

Q How much?

A Pretty near two miles.

Q Does that map show the Sections are they laid out on it?

A Yes.

Q What is the general Course of that — that that level runs?

A South easterly.

Mr Catlin I now offer that diagram in evidence, This large one we will mark Martin Number One and this one just offered Martin Number two. both diagrams are offered in evidence.

Q I will ask you whether you know the situation of Buffalo Creek?

A I do.

Q The general location of Buffalo Creek?

A Yes.

Q State whether that is

North and east of Taylors
Well }

A Is it North and east,
Yes.

Q State the extent of Country
drained by Buffalo Creek
Mr Cadwallader That is on
the other side of the River
A No sir it is on this side
of the River

Mr Catlin It is marked
on nearly all of these maps.
The Witness Well I should
think six or seven miles
any way that I know of.

Q State what waters come
into Buffalo Creek aside
from those that fall into
it naturally.

Mr Cadwallader We object to
that question it is leading
and suggestive.

Mr Catlin Exclusive of the
Natural supply of water
from rains, what other
source if any was there
from which Buffalo Creek
received supplies of water }

A Well there is a rise from the River up towards the Hang town road, there is a gradual rise and up east of Mr Taylors Ranch and through that way most of the Country is for I guess at least a mile on the north side and perhaps two or three miles on the south side maybe further I am not sure about that

Q State whether Irrigation is Carried on to any extent North and east of Taylors Ranch between his place and Alder Creek }

A The Natoma Company irrigate there Vineyards there

Q Well to what extent is irrigation Carried on there

A They are Irrigating about 225 acres of Vineyard there.

Q From where does that water used for irrigation Come

A It Comes from the Natoma Canal, from the American

River at Salmon Falls.

Q From the Natoma Canal?

A Yes

Q And that takes its water from where?

A From the American River about two miles above Salmon Falls.

Q Out of which branch of the American River?

A The South Fork

Q The South Fork of the American River?

A Yes.

Q You say the land rises to the south towards the Hangtown Road, I will ask you how in regard to the land on the north and east, does that rise also?

A No sir, that falls from Buffalo Creek.

Q I do not mean north towards the River, I mean up towards Alder Creek in that direction - east it should be?

A I do not understand the question.

Q Does the land rise as you go up the Rail Road above Taylors — going up the Rail Road towards Alder Creek?

A It rises.

Q About how much to the mile if you know?

A I do not know.

Q Can you give a general idea about how much it rises to the mile?

A About ten feet I guess, I am not sure about that.

Q What was the height of the bank of the River at the end of your level from Taylors well to the River?

A It is on the map I think it is 27 feet on the diagram — 27 feet

Q State whether you observed the bed rock there?

A I did.

Q state how that stands—
state how the bed rock
is situated with regard
to the present level of
the water in the River?

A The bed rock, or what
we call the rim rock
rises about 12 feet above
the surface of the water.

Q What kind of a formation
is that rim rock?

A Well it is a gravelly
formation.

Q But the bed rock itself—
after you pass through the
loam and gravel down
to the bed rock, or this
rim rock?

A I do not know what
you would call it.

Q Does it lay bare there?

A Yes.

Q What has made it bare

A It might have been from
mining or from the washing
of the River in high water

Q It is bare there so that
you can see it?

A Yes.

Q For a Considerable space?

A About 100 yards.

Q Can you state what kind of material that is whether it is sand stone slate or granite or what if you can and if you cannot say so?

A No sir I do not know.

Q Does it appear to be a firm material?

A Crumbly.

Q It crumbles?

A Yes.

Q I will ask you whether you have noticed in the mines about Folsom, whether there were quartz rocks or pebbles in the mines and in the tailings?

A Yes there are.

Q Did you bring any specimens of them with you?

A Yes.

Q Where are they?

A They are outside.

Q In the Court House.

A Yes.

Q Just get them please

A [Witness produced specimens] I have some here that I took from the dump piles of Mr Lawsons Claim just above the bridge at Folsom and some from the Claim on the opposite side of the River across from Folsom, a portuguese Claim.

Q Above the bridge also?

A Yes.

Q Which Claim did these Come from [showing]

A These Come from the portuguese Claim

Q On the north side of the River?

A Yes.

Q And where did these Come from [showing]

A These Come from Lawsons Claim or dump and I have some here from Alder Creek Hill.

Q These from Alder Creek Hill were they taken from any mining Claim or were they taken from the natural surface?

A Part are from the natural surface and part from mining Claims - mining dump washings.

Q Part from the natural surface and part from the mining Claim on the top of Alder Creek Hill?

A Yes.

Q I will ask you generally whether quartz can be found in that section of the Country generally in all the Claims?

A Yes it can

Q State in regard to the surface of the Red Hills - whether you find them there?

A Yes you can find them any where about that Country, I have two or three that I picked up when I was making that survey the other day when

I took those levels out on Mr Taylors place.

Q These last you picked off of Taylors place?

A Not on Taylors place but adjoining his. I do not know who owns the place.

Q Between what points?

A Between the Rail Road and Taylors and between the Rail Road and the Fifteen Mile House.

Q How far from the River. About how far from the River?

A About a mile and a half to two miles.

Q On the surface or in an excavation?

A On the surface.

Cross Examination A. L. Martin

Mr Cadwallader. Mr Martin in whose employ are you?

A I made the survey at the instance of Mr Catlin

Q In whose employ are you

A I am a rancher for myself

Q You are a Rancher?

A yes.

Q And a surveyor?

A yes

Q Where do you live?

A I live three miles this side of Folsom.

Q At what place?

A The Natoma ranch is the name of it. I have leased it for a term of years.

Q That is the Ranch of the Natoma Water Company?

A yes.

Q You lease it from them?

A yes.

Q You are a tenant of the

Company }

A Yes.

Q In your diagram here you have got in section number one 670 340 Cubic yards, }

A Yes.

Q And you speak of that as being an excavation on Alder Creek. Now I will ask you whether it is not an excavation — whether it is not more of an excavation on the American River than on Alder Creek }

A I understood when I was asked the question first that the question was whether I had made surveys of the land adjacent to Alder Creek and the American River, contiguous to the River.

Q No. Your answer was that you had made a survey of the excavations up Alder Creek for three miles on the North bank }

A Yes.

Q This excavation of 670.
840 Cubic Yards in Section
Number One is really and
substantially on the American
River is it not?

A Most of it I think
goes in the River, Yes, a
large part of it.

Mr Catlin It is at the
intersection of Alder Creek
with the River?

A It is marked there with
open cuts to the River,

Q Take subdivision Number
four Containing 875 840 Cubic
Yards. I will ask you
whether that excavation
principally has not been
worked into the American
River?

A No Sir principally into
Alder Creek

Q It had been principally
worked into Alder Creek?

A Yes.

Q Were there Cobbles there?

A Yes.

Q When you surveyed it?

A Yes.

Q Were the Cobbles in section Number one still there?

A Not all of them

Q They were all in the pit were they not?

A All of them? You mean all of them that were originally in the bank?

Q Yes.

A No I should think not.

Q All except such as had been hauled to Sacramento?

A No I presume many of them were washed into the River, I have no doubt of it.

Q There were large masses in the pit?

A Yes

Q And you did not deduct the Cobble Mass did you?

A Yes I did. I made allowance for them.

Q You made allowance for them? A Yes.

Q What is this Under ground Tunnel Connecting Section four ?

A It is an underground tunnel for the Working of that Section - that excavation The northerly portion was worked into the River through that tunnel.

Q How long have you been in that Section of the Country ?

A I have been there two years.

Q You do not know when this work was done do you ?

A No sir. It has been done a great many years

Q Fifteen sixteenths of it was done before 1860 was it not ?

A Yes a great deal of it

Q How much of the Matter that was taken out of these Cuts still lies in the bed of Alder Creek ?

A It is impossible to say

8062 Q Well a very large amount

is there not?

A I expect there is a good deal, yes.

Q What is the grade of Alder Creek?

A I did not take any levels of it.

Q You know doubt you?

A No sir I do not.

Q It is very light is it not?

A There are some steep descents in it.

Q It is very light is it— a few inches to the mile. As Alder Creek is now I will ask you whether it is more than a few inches to the mile on an average?

A Yes I think it is. I think it is two or three feet.

Q Two or three feet— Well two feet?

A Yes I guess two feet will cover it.

Q Don't you know it is much less than that?

A No sir I do not.

Q Would any heavy matter put into that Creek now from any of these banks make its appearance in the American River by the force of the water in the Creek?

A What is the question?

Q Is not the grade so light in the Creek that nothing that is put in it goes down?

A No sir.

Q Except the muddy water?

A No sir I do not think so.

Q What is the reason you did not take the grade of that Creek when you were surveying up there?

A Because I did not suppose it would be necessary.

Q State what is the depth of the filling in the Creek.

A I will have to go back thirty years to find out what the original depth was to find that out.

Q Can you not tell?

A No sir.

Q It is 30 or 40 feet is it not?

A I cannot say.

Q About how much is it?

A I have no idea. I have heard it spoken of as from 20 to 75 feet but it is all guess work entirely.

Q What is the grade of the Creek where the Rail Road crosses it?

A I do not know the grade. I did not measure it.

Q Can you tell by your eye what it is?

A No sir. It is impossible to tell levels by your eye. It is the most deceptive thing possible.

Q How far from the mouth of the Creek did you run back?

A About three miles.

Q Where does the matter lie that was taken out from section number 23?

A I will have to see the Map

Q Where does the matter lie that was taken out of 2 & 3 ?

A It has been washed into the Creek

Q It lies in the Creek ?

A It has been washed into it and probably some portion of it remained. I do not undertake to tell how much remains in the Creek.

Q Where are the Cobble stones that were taken out of that ?

A Allowance has been made for all the Cobble stone that remain.

Q The whole of it is covered with Cobble stones

A Yes inside of the excavation

Q How much is the fill in the Creek opposite there

A There is no fill at all.

The Creek is almost level except the depth of it.

Whatever the fill is has

been filled up in former years and gradually so that the Creek is level.

Q That was worked by a tunnel }

A It is worked by open Cuts.

Q What is the height of the bank there }

A I will have to refer to my notes for that what section is it.

Q Number 23 }

A 29000 Yards is it.

Q Yes 29040 Yards }

A The bank is not steep but it is a gradual slope there.

Q How did you make your measurements there

A I made them by averaging the depths of the excavations and measuring the distance of the excavations running back

Q And deducting what } A And deducting nothing. After averaging the depth there is nothing to deduct. I took the length and breadth and multiplied by the average depth -

Q- You took the top of the cobbles?

A- I averaged the depth. The top of the cobbles would not be right because, ^{the} tops of the piles of cobbles, varied very much. There are depressions. There are depressions and elevations.

Q- What distance is it from the South line of Number 23 to the mouth of the Creek, by the way of the Creek?

A- I will have to go over all these figures to get that.

Q- Give us about the distance; say it is about three miles?

A- It is not three miles. About two miles and a half.

Q- What is the width of the Creek?

A- The creek itself - the water in it you mean.

Q- No, the bed of the Creek, that two miles and a half?

A- It is about three chains I think.

Q- That would be two hundred feet?

A- One hundred and fifty feet say.

Q- It would average one hundred and fifty feet wide?
A- Yes.

Q- And the fill you estimate it from twenty to seventy feet?

Mr. Latimer He did not say so
Mr. Badwalader What do you say on that subject?

A- I say I know nothing about it whatever. I have only heard statements of that.

Q- You have given us the width at two hundred and fifty feet? A- No, Sir, about one hundred and fifty feet.

Q- How wide is it at the railroad bridge? A- I did not measure that. I think it is about one hundred feet I think.

Q- This ground was washed out through open cuts? A- Yes.

Q- Into the hill sides?

A- Yes; some were through tunnels there.

Q- Did you take any levels as you went along

there? A- No Sir.

Q- You never have? A- No, Sir.

Q- Do you know what the grade of the Natoma ditch is down in that section of the country? A- I know what the general average of the Natoma ditch is. That is about all.

Q- I mean after you get down below Alder Creek?

A- It has no regular fall there.

Q- You think that on the south and west side of this Creek there is one sixth as much taken from the banks as there is on the north and east sides?

A- Yes.

Q- Including that particular part on the American river? A- Yes.

Q- What bar was it that you estimated on the American river as a part of Section I?

A- What bar on the American

river?

Q- The bar on the American river?
A- It was not a bar at all.

Q- You did not estimate any bar on the river?

A- No Sir. It was the alluvium adjacent to the river, not a bar.

Q- How close to the river.

A- Just right on the river.

Q- What bar is it?

A- No bar at all.

Q- No bar at all? A- A bar as I understood it is made by deposits from the river.

Q- How you not know that there have been millions of tons of cobbles taken from there, from these pits in section I and section II into Sacramento in the last twenty-five years?

A- I do not. I do not know whether there have been or not.

Q- Where you made your

survey of the Taylor premises, the American river, was it up or down? A- It was about the same as it is now. Perhaps not quite so high. L- It had been up and had gone down? How much of it had gone down?

A- I suppose it was about the same as it is now. I would not know whether there was any difference or not.

L- I ask you whether or not just previous to your going there been up several feet?

A- I have no means of knowing except through the Folsom Telegraph. I saw it reported in that paper ever once in a while, but I do not think it is very correct.

L- Could you tell whether it had been up three or four feet and then gone down again? A- I could not tell. I had no occasion

to know whether it was or not.

Q- The water would go down faster in the river, than it would in a well would it not?

A- Well, a well is generally pretty stationary. Yes, it would of course.

Q- Now Mr. Catlin asked you about Buffalo Creek.

That is a dry ravine is it not?

A- A dry ravine? No Sir.

Q- It has no water in the Summer?

A- It has always more or less water in it.

Q- Any running water in it?

A- Yes.

Q- Is there any running water in it in the Summer

A- I think there is.

Q- Do you know whether there is or not?

A- I know there is water standing on parts of it. I do not know whether it is running or not.

Q- The country out here

is as flat as this City is it not? A- I do not know how flat the City is hardly by levels. I do not know that it is but the City is pretty flat here.

Q- Is it not just about as flat as land can be up there, that is running from the American River south six or seven miles?

A- From the American river south I have just shown on the diagram what the levels are for a distance of about three miles or pretty nearly three miles and it shows it rises about 33 feet in that distance.

Mr. Catlin You said 37 feet did not you?

A- Yes.

Mr. Badwalader - From Sacramento? A- No Sir.

Q- Is there anything like a hill in that whole neighborhood up there?

A- There are hills up on the Haughtown road.

Q- How far off? A- From Taylor?

Q- Yes? A- Four miles I guess.

Q- You would have to go four miles to find a hill? How high would the hill be when you found it?

A- It is quite a hill?

Q- A couple of hundred feet?

A- No Sir I guess not.

Q- One hundred feet?

A- No Sir, hardly that.

Q- Can you not tell us whether the land out there is or is not plain— part of the valley?

A- Certainly I should call it a part of the valley.

Q- It is a plain is it not?

A- I should call it a plain.

Q- It is just about as flat as this floor to all appearances?

A- It is for quite a ways until you get—

Q { Intg } Until you get up several miles above there?

A- Yes.

Q- You have this Matoma

farm. You use some of the water to irrigate it with do you not? A - I have just leased it this year, I have not used any water so far.

Q - That is the farm that is irrigated? A - No Sir.

Q - What farm is it?

A - It is a grain farm, and grain farms they do not irrigate.

Q - The grain farm you have leased? A - Yes, it was the vineyard that I spoke of. I had nothing to do with that at all.

Q - It is the Natorna Company vineyard that is irrigated?

A - Yes.

Q - What time of the year does that irrigation occur?

A - About July or August, or September somewhere along there - July August and September.

Q - What was it you said about the bed-rock being bare

A- Along the river below Buffalo Creek a little ways.

Q- The rock on the bank?

A- Yes.

Q- And not in the bed of the river? A- The bedrock. The bed of the river could not be twelve feet higher than it is now well.

Q- Where did the water in Taylor's well come from? A- I do not know.

Q- You could not tell from what direction came you? without you took levels?

A- No Sir.

Q- You say that his premises are ~~forty~~ three feet above the American river as you found it last week? A- Yes.

Q- And what was 44 feet and two inches? A- The depth of the well from the surface.

Q- And you found seventeen feet of water in the well?

A- Yes.

Q- You say you took no levels.

How did you find the height?
 A- You asked me if I took levels on Alder Creek? I did not. I took those levels at Taylor's place.

Q- How did you get the level of the water in the river?

A- I set the leveling rod on a stone where the water just touched the bottom of it and I took the present surface of the water.

Q- What was its height?

A- The height of what?

Q- How did you get at the difference? A- What difference?

Q- The difference between the height on Taylor's farm?

A- I leveled it. I run levels over it with an transit instrument carrying a leveling telescope.

Q- How did you get at the depth of the water in the well?

A- I measured it with a Chesterman stake with a plumb-bob attached to the end of it for a sinker.

2- How deep was it from the surface? A- Forty-two feet

is it not? 44 feet I believe

2- You have no recollection now what it was?

A- Forty-four feet.

2- You have no recollection except from your figures?

A- I have. About forty-four feet. I recollect it as that or about that.

2- You said forty-two feet?

A- Whatever it is - I do not recollect the exact amount of it. I did not charge my mind with it.

2- How long were you doing this - how much time?

A- Doing what?

2- In finding the level of the ground at Taylor's place and the level of the water in the river and the depth of the well and the depth of the water in the well? How much time?

A- And the survey back to the 15 mile house?

2- How? A- And the levels back to the Fifteen Mile House?

2- No, just to Taylor's house and in the river?

A- I guess two hours?

2- What instruments did you have? A- I had a transit instrument with a leveling telescope.

2- Did you have any assistants? A- I had one assistant, yes.

2- What is the reason you could not tell us a short time ago whether the country was level there or not?

A- I did tell you, sir.

2- Is it level? A- It is not level. I told you it ranged twenty-seven feet I think back to the Fifteen Mile House.

Mr. Lattin Thirty seven you said did you not?

Mr. Leadwalacler - From where? A- From the bank of the river.

2- From the bank of what

river? A- From the bank of the American River.

Q- When you get off from the bank of the river and go south how is it from the Haughtown road, south?

A- From the Haughtown road south it is pretty level; to the ^{east} it rises.

Q- How is it to the west?

A- It falls.

Q- How did you tell that by eye? A- I tell that by the eye.

Q- What is the reason you could not tell me by the eye whether there was any particular amount of grade in Alder Creek? A- Because

Q { Duty } You told me a short time ago that you could not tell anything by the eye?

Mr. Catlin He did not say so.

Mr. Cadwalader Tell me now what the grade of Alder Creek is?

A- I do not know. I never

took its grade

Q- Is it more than six inches to the mile? A- I think it is.

Q- Will you swear that it is? A- I will not.

Q- How far is it from the top of the bank to the surface of the water in the American river?

Mr. Latting At what point?

Mr. Hart At the point where you measured it?

Mr. Goodvalader What was the depth from the top of the bank to the surface of the water?

A- Twentyseven feet.

Q- How much higher was the surface at Taylor's than the bank of the river?

A- It was about sixteen feet.

Q- About sixteen feet? A- Yes.

Q- On a north and south line? A- Yes.

Q- Here is where you got the top of the bank from the surface of the water { indicating }

A- Yes. That is not made on

a scale.

Q- Just point there where you got it? A- Right opposite here; opposite this bend { indicates }

Q- Where was it at the bank?

A- Where I measured it was twentyseven feet. Right here opposite this, on a north and south line { indicates }

Q- At what point; at the point marked five?

A- No Sir. This is not drawn on a scale - this distance here.

Q- Tell me where is the top of the bank on that map that you found twentyseven feet above the river?

A- It is about here { indicates }

Q- Where? Take a pencil and mark it. A- I can not mark it exactly but I can mark it near enough I guess.

Mr. Leathrie Is it where the figures 27 in red ink are?

A - Mr Sir that is not the place.
The witness indicated by a
mark on the diagram.

Mr badwalader - Have
you got anything to show
that you found it twenty
seven feet above the river?

A - May field notes.

Q - Have you got those with
you? A - Yes

Q - Have you looked at them
lately? A - It is not very
long ago that I did the work.

Q - What is the distance from
that point to Taylor's well?

A - About three-quarter of a
mile I guess - less than a
mile.

Q - Give us the exact distance?

A - I did not measure it at all.
I had no occasion for measuring
it. I wanted simply to find
the levels.

Q - Where did you find Taylor's
well with reference to the
old Coloured Road?

A - It sets back thirty five
or forty feet from the road.

Q- On which side, the north or south side? A- The south side.

Q- And you found the river rising sixteen feet from the bank of the river to the surface at the well? A- Yes.

Q- What day did you do that surveying? A- Day before yesterday.

Q- Day before yesterday?

A- Yes.

Q- You say you do not know whether the water was lower day before yesterday than it was say a week ago?

A- I do not know positively No Sir.

Q- Was not it four feet lower?

A- It would be very strange if it was.

Q- I ask you whether it was not four feet lower?

A- I do not know.

Testimony
of
John B. Green

Called for the defendant. Sworn

Mr. Catlin - Mr. Green where were you and in what occupation were you employed during the big flood of 1861 '2?

A - I was fishing on the river.

Q - State if about that time you were engaged in any other occupation? if so what was it?

A - I was boating from Washington to Davisville. That is to the Tule House. We run as far as the Tule House.

Q - What business were you carrying on in your boat?

A - I was carrying passengers - foot passengers.

Q - About what time did you commence?

A - I think it was the 24th of December

Q- How long did you continue that business? A- We boated there until July.

Q- State what was the length of the route upon which you carried passengers at that time?

A- The biggest part of the time it was about ten miles I should judge - that is we run a mile and a half the other side of the Tule House to a place they called the Lyttle House and between there and George Swingles. Sometimes we would go up into the slough and come pretty near George Swingles ranch and when the water got low we run from Mike Brytes ridge to the Tule House about four miles.

Q- How high was the water at the Tule House at the highest, during that flood?

A- It was up to the second story. I do not know high it was - the second story of the house. I did not meas-

we have many feet it was.

Q- How do you know it was up to the second story?

A- Because we tied our boats there.

Q- What you call the Tule House?

A- Yes. It was not made out of tule. It was a large frame building that washed away eventually.

Q- What was that - a public house?

A- Yes

Q- What kind of a house was it?

A- A frame building.

Q- Large or small? A- A pretty large building.

Q- A large two story house?

A- Yes.

Q- About how far is that house from Washington?

A- It is about eight miles

I guess or nine miles -

between eight and nine miles

Q- State whether that was before or after the railroad grade was built there?

A- It was before the railroad ^{grade} was built

Q- State about the current and the width of the current?

A. On this side of Mike Bryte's ridge the current was very strong, that is three miles from Washington the current was very strong pretty near as strong as it was in the river. On the other side between Mike Bryte's ridge and the Tule House the current was not so strong. The principal part of the water of the American river came on this side of Mike Bryte's ridge and it made it very strong. It went through from the American river.

Q- You say it was very strong - for how wide a space? A. About three miles I should judge, from Washington to the ridge out here.

Q- You say from Washington to the ridge? A- Yes.

Q- What ridge is that?

A. They call it Mike Bryte's ridge.

Q. It is where Mike Bryte's location is? A. Yes.

Q. That is a piece of high ground? A. Yes.

Q. Comparatively? A. Yes.

Q. On the other side of that you say the current was not so strong? A. No Sir.

Q. What width was the current beyond Mike Bryte's?

A. Well, it was about four miles and a half I guess.

Q. About how deep was it?

Do you know about how deep the water was?

A. Well it was various depths from one to fifteen feet I should judge.

Q. I take whether subsequent to that time you carried on the same business?

A. Yes.

Q. When did you meet?

A. It was in 1867 I believe.

Q. The winter of 1867 '8?

A. Yes

Q- What time did you commence boating then?

A- We commenced before Christmas in December somewhere about the eighteenth or nineteenth I believe, the first boating was done.

Q- How long did you continue?

A- To the 3rd day of July I think it was, either the 2nd or the 3rd I would not be positive which.

Q- State whether you found good boating during that time?

A- Yes, there was good boating and plenty of water.

Q- State how high it came up at the Tule House at that time?

A- Well the highest water I believe was up to the porch. We got wind-bound there over Saturday night and Sunday and we had to lay there two days and we tied our boats to the top of the porch. There were several parties

there at the time.

Q- What kind of a porch was it?

A- I judge it was ten feet high.

Q- From the lower story running up to the upper story?

A- Yes.

Q- You hitched on to the upper part of the porch?

A- Yes.

Q- Was that the same building that had been there before?

A- No Sir, I do not think that was the same building. I think that was another building that Enos put there. I think the first building Minis put there but I am not certain.

Q- It was in the same place?

A- It was in the same place.

Q- Was it as large as the old building?

A- Larger I think.

Q- Was there a railroad embankment there then?

A- No, Sir not at that time.

Q- Were the telegraph poles

there then? A- Yes

Q- I state how high it was with regard to the telegraph poles? A- I do not know how tall they were. I remember pulling over the wires with a Whitehall boat that is the water was over the top of the wires.

Q- Where did that line of telegraph run to? A- It went from Sacramento to Valleys I think - I am not certain.

Q- And to Wavisville?

A- Yes, it went out that way.

Q- You remember pulling your boat over the wires?

A- Yes.

Q- How far did you run out to the west? A- We run away to the other side of the Lyttle place, that was a mile or a mile and a half the other side of 'Enas' or the Tule House.

Q- Where was that?

A- The old Lyttle mound.

Q- Where is that with regard

to Swingle's place?

A- It is pretty near the corner of Swingle's place I think.

We could have gone to O'Keefe's place that is three miles above the Tule Wacuse, but we did not go there.

Q- What is the distance from Davisville to the point - the farthest place you run?

A- Six miles I guess.

Q- Is it six miles from Lyttles' to Davisville?

A- I judge it was about that far, about six miles.

Q- State about the current at that time?

A- Well, it was very strong on this side about the same as it was before. The water went through that place - Hoagland's place and the current was much stronger from there out to Mike Beyer's ridge than it was on the other side very strong.

Q- A very strong current?

A- Yes, There was as much current there as there was from the river.

Q- Were there other parties engaged there in boating besides yourself?

A- Yes.

Q- State whether you carried the Mail and Express?

A- Yes.

Q- State what was the width of the current, taking both the currents - the one you say that was very swift between Washington and Mike Bryte's and that portion beyond? What was the general width in which there was a current?

A- I judge it was between seven and eight miles in width. There was more water through, but as soon as you struck the Tule House on this side of the Tule House the current began to slack up.

Q- In regard to the depth of

the water as compared to that of the flood of 1867, how was the flood of 1867 '8?

A- I judge it was about the same.

Q- State whether you run that season to Woodland?

A- Yes. We did not run to Woodland, we run to a place opposite Elk Horn ranch - that was about fifteen miles and we run about a mile and a half or two miles to the end of a lane and we met the stage and the stage took the passengers to Woodland.

There was about 15 miles of water - fifteen or sixteen and then we had to go over to the ridge where the water got lower. It may not be that far on a straight line.

Q- State whether after that time you carried on this business at any other time?

A- Yes

Q- What years? A- In 1872.

Q- The winter of 1871, '2? A- Yes

Q- What time did you commence boating that season?

A- Well it was in February. They were boating there some before I commenced. I did not get in until late.

Q- The other parties when did they first commence?

A- I think it was in January.

Q- Same commenced in January and you commenced in February? A- Yes.

Q- How long did you continue it? A- I think I quit

in May. I was taken sick with fever and quit, but they boated there much longer.

Q- How long did the other parties continue to boat?

A- I think they boated up until June.

Q- State whether they were engaged all the time in the same business of carrying passengers between Davisville and this City?

A- Yes.

Q- State whether you run to Woodland that season?

A- Yes. We run there, but a very short time though.

Q- State whether there were two distinct lines of boats running?

A- Yes, two distinct lines. One went by hand-car part of the way. The line connected with hand-cars at George Swings' and took the passengers to Davisville and the other took the passengers to Woodland.

Q- One went to Davisville?

A- Yes.

Q- Where did the other go to?

A- To Woodland.

Q- By way of what point?

A- By Elk Horn.

Q- State whether there was a line connecting Woodland with the Tule House?

A- Yes; that was after the water began to fall. When the water got lower they went to the Tule House

and connected with a stage.

Q- You connected with
Harrisville and Woodland
by the way of the Tule House.

A- Yes after the water got
lower.

Q- How high was the water
that winter? A- The
water was very high.

It was over the railroad
embankment considerably.

Q- There was a railroad
embankment there then?

A- Yes.

Q- State what you were a-
bout to state? A- It was
two or three feet over the
railroad embankment
at that time.

Q- You say it was two
or three feet over the rail-
road embankment?

A- Yes, and the levee broke
and the water began to
subside then.

Q- I will ask you whether
railroad travel stopped during
the time that the boats were

running?

A- Yes. It was stopped between here and Davisville.

Q- I mean between here and Davisville?

A- Yes.

Q- Did you carry on the same business at any other time later?

A- Yes in 1898.

Q- State to what extent the railroad was washed away in 1871-'2 and how much of the water went over the top of it - State what effect it had on the railroad grade?

A- Well there must have been at least four miles of the railroad washed away in different parts and spots.

Q- Now then you say you carried on the same business in 1877-'8. State about what time you commenced boating that winter?

A- I commenced in January.

Q- Did any other parties commence earlier than that?

A- I believe

that Todhunter Bros were
in there a week ahead of us
2- What time - about what
time in January?

A- About the 6th or 7th.

2- In the forepart - about
the 6th or 7th. A- Yes.

2- How long did you
continue? A- Until
about the 15th or 20th of
May.

2- State whether you had
good boating all that time?
A- Yes.

2- What time did you
say you hauled off in 1878?

A- About the 15th or 20th
of May.

2- State what effect it
had on the railroad then?

A- The railroad was washed
very badly - about three or
four miles of the road.
There was about two
miles and a half at one
stretch this side of Geo.
Swingle's where they put three
thousand or thirteen

thousand feet of spiling there.

2- State whether there was more than one line running during that Winter?

A- Yes. Two lines. One from the Tule House and one from Swingles.

2- Running to what places - running to Woodland and to Davisville both?

A- No Sir, they did not run to Woodland. Both lines run to Davisville.

2- One connected with the Tule House in what way?

A- With a stage.

2- And the other how?

A- With a handcar and steamboat.

2- What steamboat?

A- The Oro.

2- Was that in 1894-'8?

A- No. I am wrong the Oro did not run until last year.

2- I want to confine your attention entirely to the flood

of 1877-'8 ? A. Merced
 handcar to Swinley's but
 we had no steamboat. We
 had Whitehall boats.

Q. State how high the water
 was in Washington and
 down right opposite here;
 that winter — in 1877-'8 ?

A. Up where Billy Greene's
 Hotel is one block from
 the railroad bridge — the
 water was up there.

Q. State what other effect
 it had on the town of
 Washington ? A. It
 washed a great deal of
 property away and destroyed
 a great many buildings and
 fences and trees.

Q. Washed away a number
 of buildings ? A. Yes.

Q. How about the current
 that year — the extent of the
 current ?

A. The current
 was very strong — just as
 it was before.

Q. About the same extent
 in width ?

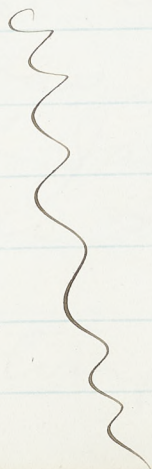
A. Yes

Q- How high was the water comparatively, with previous floods?

A- I judge the water was a little higher than we had it before - I think so. We had higher water. I do not know whether the railroad backed it up or not.

Q- Which side of the railroad did you run that year - that winter?

A- In Washington we would go from the other side of the railroad and we went out a couple of miles and dropped through the trestle work and came out on the other side of the railroad, and then we went through again and came out at Swingle's.



2. You run on both sides of the road, did you? A Yes.

The water was generally higher on the upper side - 6 or 8 inches or a foot - than it was on the lower side.

2 The upper side of the railroad Embankment?

A Yes.

2 Now state about last winter. Did you carry on this business this last winter?

A Yes We ran a Steamboat from Washington to George Swingle's that is, this side of George Swingle's a mile and a half I guess, where was ran a hand car.

2. What boat did you run?

A. The little Steamer Oka

2 When did you commence the navigation last winter, about what time?

A. It was in February; the last of January or in February I do not remember which.

2 How long did you continue?

A. I think it was in May, that we quit. I can not be positive. It was either the last of April or 1st of May. It was a very short season.

Q. Did you run this Steamboat all the time you were Engaged? Did you Commence with the Steamboat?

A. No. We commenced with Whitehall boats and ran about a week and then bought this steamer and put the steamer in there Mr. Cadwalader until you got the Ora?

A. Yes.

Mr. Catlin I saw many Passengers lined you carry on the Ora?

A. We have had 45 on her besides the crew. She was not very large.

Q. What was she, a stern wheeler?

A. No. She was a side wheel boat.

Q. Was there any other Steamboat engaged there last winter in any business during the high water?

A. Yes.

Q What boat was that?

A. It was a boat belonging to the Accommodation Company, that is the Railroad Navigation Company. I forget the name of her.

Q The Dover?

A Yes. That is the name.

Q How large a boat was she?

A. A boat that could carry 400 or 500 tons, I guess.

Q What did she do?

A She was engaged, I believe in picking up railroad ties, iron, and stuff that belonged to the track.

Q How long was the Dover engaged in that kind of navigation, ~~for~~ there?

A I can not tell exactly how long she was there. I know she was there quite a while.

Q About how long?

A I could not tell. I know she was a considerable

length of time there, but could not tell how long.

Q. Do you know where she went out when she went out to the tule?

A. I only know from what parties said who were with her. They said she went out Cache Slough. Either Cache or Steamboat Slough. I think it was Cache Slough.

Q. What effect did the water have on that railroad, that winter?

A. The road was washed away very badly. Considerable of the road was washed away, at least $3\frac{1}{2}$ to 4 miles, I should judge.

Q. State how high the water went compared with the railroad track?

A. The water ran over the railroad track at one time.

Q. How about the current this last time?

A. The current was very strong, on this side, much

Stronger than it was on the other where it was about the same as it was in other seasons

Q. State the effect on the railroad embankment of the water, above or below?

A. The water was, I judge, from six inches to a foot higher on the upper side, because I suppose of the track backing it up.

Q. Did you notice whether it was higher water on the other side?

A. Oh yes.

Q. Which side of the track did your boat run?

A. On the lower side, because we could not get through the trestle work.

Q. State whether you could have run still longer if you had been on the other side?

A. Yes. We could have run the steamer much longer if we had been on the upper side.

Q. But you could not get

through the trestle work?

A No. And we had to fall back on the hand cars and run the hand cars, there a week.

Q State how much of the railroad track was washed away say in the neighborhood of Sevierville and between that and Washington?

A I should judge $3\frac{1}{2}$ or 4 miles. There was one stretch there of some 12,000 or 13,000 feet.

Q State about the current, whether you noticed any thing particular about the current being swift or slow?

A. The current was very strong.

Q State whether it was more so than in former floods or not?

A. I think it was on this side.

Q On this side of what?

A On this side of Mike Bryter.

Q How far did you notice it carry the railroad iron?

A There was some of the iron picked up way down by Carey's ranch, which is 12 or 15 miles off. And there was some of it picked up as far down as Willow Pond.

Q How far is that?

A About the same distance as Carey's ranch is: 12 or 13 or 14 miles.

Q Where was the starting point of the Ora, on this side?

A It was about half a mile from Washington. That is, the first starter, I guess we ran about 2 blocks, that side of the levee in Washington.

Q About two blocks from the levee?

A Yes. But as the water fell of course we had to keep backing out.

Q When you had the highest water there, what was the length of the voyage of the Ora?

A We ran about 8 miles, I guess.

Mike Brytes.

Q And after you get above the mouth of the American river does it not suddenly deflect to the west and then run nearly north again?

A Yes.

Q And then when you get to Brytes it takes a west course again?

A. It runs about north-west, I guess

Q Makes a kind of U in there by Brytes does it not?

A Yes. It does not run north again until you get to the Elkhorn Ranch

Q Is not there a toll road starting from above Brytes and running to the Dule House?

A Yes.

Q That is an embankment thrown up in the tule, is it not?

A Yes.

Q It is a winter road?

A Yes

Q How long has that been used as a winter road?

A. I remember of the road being there about 18 or 20 years, I guess.

Q. It is called the Lewis road is it?

A. Yes, - the Jack Lewis toll-road.

Q. That runs from the Sacramento River to where the old Tule House was?

A. Yes.

Q. How far is it from the Sacramento River, at that point to the Tule House?

A. I should judge about 4 miles.

Q. How far is from Washington to the Tule House?

A. About 8 miles. That is, on a direct line, you know.

Q. You have been speaking of two divisions of the tules. You mean the division made by what is called the Pryte place?

A. Yes.

Q. Here is the Pryte place in this bend, this deep bend (showing witness diagram)

A. Yes.

Q. And then the timber comes down?

A. Yes.

Q. Here is what was called
Combs race track? A Yes.

Q. About here is where Prye
has his dairies? A Yes.

Q. How long has he been there?

A I could not say. About
20 years I remember of his
being there; it may be longer.

Q. When was that Inle House
constructed or built?

A I could not tell you that.
Bill Minis built the first
house there.

Q. That was there for 20 years?

A Oh, it is over that.

Q. When was it moved?

A There have been two places
built there. The first one,
which Minis built, was washed
away. Then Enos got the place
and built the Inle House.

Q. Who lived there at the time
of the flood of 1862?

A I think Minis was there
part of the time.

Q. The water was four feet
deep in the house then was
it not?

A. Yes, underneath. It was all washed out underneath.

Q. The water was higher there last winter than in 1862, was it not? About 12 inches?

A. Yes, I should think so. But whether it was caused by the railroad or not, I do not know.

Q. It is a mile from the railroad to the Gule House, is it not?

A. Oh yes, all of that.

Q. The Gule House is above the railroad? A. Yes.

Q. That land was cultivated around the Gule House up to 1862, was it not?

A. Not that I know of. I do not remember of its ever being cultivated.

Q. I mean, down to 1862?

A. I do not remember it. It was not cultivated that I know of. They had some trees planted back in the yard.

Q. That was a Public House

was it not?

A Yes.

Q Right at the end of the Lewis toll-road?

A Right at the end of the toll-road

Q In the winter that toll-road has been used as a means of connecting this town, Davisville and Woodland, for how long?

A Not when we had any high water

Q Except in time of very high water?

A Yes.

Q That is a regular river over there is it not?

A A Regular river?

Q Yes.

A No.

Q You say it is not a river?

A It is not.

Q Not from Pryor's place to the Mill House?

A No.

Q It is not?

A No. There is a canal runs down through there

Q The canal runs right through the bed of it, does it not?

A Yes.

Q The lowest part of the

tule².

A Yes

Q That is what is called the Cache Creek Canal?

A They call it the old Rooney Canal. Cache Creek empties into and draws off the low part

Q How did the amount of water that fell last winter compare with the amount of water that fell during 1861-2

A I do not remember.

Q Do you know whether it was possible to go from there to the Inlet House, within² days after the flood of^{Dec 9th} 1861 without going over your boot tops?

A No.

Q You did not commence boating there until Dec. 24th

A I should judge it was about the last of December.

Q And you boated how long?

A Until July. We boated until we ran alongside the grade, this side of Jack Lewis', two miles out here, and to the Inlet House

The water got very low

Q. Where did you start from in Washington? A. From below Greens the principal part of the time

Q. That was on the old bridge, was it not?

A. No. Below where the bridge is, a block below

Q. Bill Green's is on the natural soil? A. Yes.

Q. And about 2 blocks back from the river?

A. No. Just one block

Q. Called Green's Exchange?

A. Yes.

Q. That was out of water then, was it?

A. No. The water was running right over the Embankment

Q. There was not water in the house?

A. It was right up around the Stoop

Q. He had not raised his house then had he?

A. I do not know whether

he had or not

Q. You commenced a block
back from the river did you?

A. Yes

Q. And you ran from there
to what place?

A. The highest of the water,
we went so clear over to
the old Little Mound

Q. When you commenced run-
ning where did you go to?

A. To the Mill Horse. As the
water raised we went farther

Q. How long did you run to
the Mill Horse? A. July

Q. They carried on the business
of the horse during that time?

A. Yes. They stayed until
we struck the grade there

Q. The business was carried
on all along, was it not?

A. After the water got so
high they carried the things up
stairs and I think carried on
business up stairs until the
water began to fall again

Q. How long was the water
on the floor of the Mill

House? A. It must have been there a week, I guess.

Q. That was Sacramento water was it not? A. It was. Came from the American River I suppose, and the Sacramento both overflowing and running through there and backing up.

Q. What time was it highest?

A. I could not tell you that either.

Q. It was about the middle of January, was it not?

A. I could not tell you that. I think it was in the middle of January or February, or of those months.

Q. There was no railroad then, at all? A. No.

Q. You were speaking of a current there. That would depend a good deal on the wind, would it not? A. No.

Q. Suppose the wind was blowing hard from the south?

A. Then we could not have so much current, of course.

It would back the water up a little, but would have very little effect on it.

Q It would have a great deal of effect on it, would it not? A. No, not a great deal.

Q When was the railroad embankment put in?

A. I do not remember what year.

Q. It was put in in 1872, was it not? A. No, I think it was in 1870, in 1869 or 1870 or along about that time that they commenced building it.

Q. Was not that road operated during the winter of 1870, the rails being laid right on the tule? A. Yes; I think they crossed the bed of the tule there, carrying out ties and such as that.

Q The road was operated all that winter that way, was it not?

A. Until the water raised

Q. But was it not operated all that counter right in the bed of the tules?

A. No, not that I know of.
Q. Do you know anything to the contrary?

A. I do not think it could have been operated because there has been no year in the last 15 or 20, but the water always raised, 4 or 5 feet in the tules any how.

Q. Do you know where the old track was? A. Yes.

Q. Was not that laid in the bed of the tules?

A. That was laid in the bed of the tules when they first put the rails down.

Q. Do you know what time the railroad came into Wash-
ington? A. No, I do not.

Q. Do you not recollect it was about the 1st of January 1870?

A. I do not.

Q. It was laid on the bed of the tules, was it not?

A. Yes, when it was first

put down.

Q Do you know of any railroad embankment being washed away there until just about the time that Booth was inaugurated, which was 1872?

A I know it was washed away in 1872.

Q It was a much lower bank than it is now?

A Well, I guess they have raised it a little.

Q They have raised it several times have they not?

A Yes. They have been raising it every year, I believe.

Q You always carried on your business in a Whitehall boat until you got the Ora, did you not? A No, not all the time. I used the hand car on the other side part of the time, from Svingles to Davisville. But the principal part of the time we carried it on in a Whitehall boat.

Q The Ora was about 15

feet long, was she not?

A She was 25 or 30 feet.

Q. How much beam did she have? A. She was about 10 feet beam I guess.

Q. She was open, had no cabin to her?

A. She was enclosed in the bark, painted with canvass.

Q. That was all the steam-boating you ever did over there? A. That was all I ever did.

Q. You were talking about a great deal more water passing down that tule, that through the river. You never measured the water, did you?

A. No.

Q. I mean you never measured the quantity? A. No.

Q. You are not a hydraulic Engineer or anything of the kind? A. No.

Q. You simply formed an opinion in your own mind? Or do you mean you measured the depth of the water?

A Yes. I measured the depth.

Q. You do not mean anything more, do you? A No.

Q. When you speak of the water being up to the telegraph poles, where were the telegraph poles, along the line of the railroad?

A No. Along the line of an old road which used to turn off at the Two-mile House; the Inle road they called it.

Q. And it was in the bed of the tules? A The road extended from Mike Bright's ridge to the Inle House. It ran through the bed of the tules.

Q. How high is the Lewis Toll road? A It is not very high at the present time, not over a foot I guess.

Q. It was never over four feet was it? A No. I do not think it was ever four feet. About two

or two and a half.

Q. All that country over there is a swamp land district called Swamp Land District Number 18 is it not?

A. I believe it is.

Q. In those times telegraph poles were very short were they not?

A. I never measured them and could not tell you.

Q. They were not paired poles?

A. Ah, yes.

Q. They were paired poles?

A. No. Square poles.

Q. Were not they ten feet shorter than those they use now?

A. I do not think so.

Q. How many telegraph poles did you see under water?

A. Ah! Canisdraba of them. After we left Mike Bryce's ridge we could not see them until we got way over the other side of the Canal pretty near to the Tall House.

Q- From Mike Bright's ridge where? A- On the other side of the canal.

Q- How far? A- It must have been two or two and a half miles.

Q- From the timber?

A- Yes. There is a four mile stretch between that and the Toll House.

Q- In which direction did the telegraph poles run? Towards the Toll House?

A- Yes. They ran off a little below the Toll House; probably thirty or forty feet.

Q- They ran right through the bed of the tule did they not?

A- Yes.

Q- Was it the telegraph poles or the wire, that you could not see and run over?

A- The telegraph poles; and the wire was attached to the poles.

Q- And there was a six or eight mile current running

A- Yes.

Q And still the telegraph poles did not go down stream?

A A great many of them did. I had a boat hired to the telegraph Company that worked straight along after the water fell.

Q These poles you saw standing must have been a great deal inclined?

A Yes, some were inclined and some were straight.

Q Those that were leaning over were mostly under water?

A Yes. But then we pulled right over the tops of them, right over the wires, in the highest of the water.

Q You have never done any navigation there except during flood winters have you?

A No.

Q Those are the Winters of 1862, '72, '77, '78 and '81? Those are the Winters you have been navigating? Ayes.

Q What was the condition of the tules ^{there} up to the Fourth of February of last year?

A of the water?

Ayes. A The water was very high.

Q I mean prior to the 4th of February of last year? A I could not tell you.

Q Very dry was it not?

A I could not tell you.

Q You could cross the tules could you not?

A I could not tell you I had no occasion to go across.

Q We had no high water last year until after the 4th of February did we? Ayes we had considerable water

Q Could you not cross the
tules at any place at
any time before the 4th
of February of last year?
A No not that I know of.

Q How far do you saw
it is from Bryce's place
to the Tule House?

A It is about 4 or 4½
miles I judge. It is a
good long four miles;
that is, from the other
side of the ridge.

Q That ridge runs down
to the railroad does it
not? A Yes. It runs
down pretty near to
Washington Lake.

Q You had a great
deal of trouble in navi-
gating did you not?

A Yes, at low water
we did.

Q And you boated
through the slickens?

A No, the trouble was
caused mostly by
high wind and strong

currents

Q You had a great deal more trouble from wind than water. Ayes.

Q You never had any navigation to amount to anything beyond the Tule Strouse did you?

A On the other side of the Tule Strouse?

Ayes.

A Oh yes. We have been up as far as George Swingle's place a good many times with boats.

Q That was this last winter? Ayes That was in 1867

Q How long did you run? All the July

Q About how long did you run to Swingles?

A We did not run there a great while, because when the havel came down they all came to the Tule Strouse and stopped.

Q Did you run there a week? A We could have run there for a week if we had wanted to, if necessary

Q After all, all of your navigation has been between the ends of the breaks in the railroad? A Yes. It has been from Washington to the Tule House

Q You connected with hand cars did you?

A That was on the other side

Q You ran what was called the Stand Car line? A Yes.

Q You were asked in regard to the railroad track being washed away. Do you know anything about that of your own knowledge?

A Yes I saw the track floating myself

Q It was lifted up

evenly was it not?

A It was floated off in sections with the ties attached

Q It was all raised up: ayes of course

Q It was raised up evenly was it not, from above and below?

There was just as much water below as above?

Aoh no. There was more water above the railroad, one or one and a half feet more water above the railroad than below it

Q I ask you if, as a general thing in places where the track was floated off the water was not just as high below as above?

A There were places there where it would be detached in sections and when the current would strike it, it would

naturally be floated along the railroad.

Q That is not what I am asking you. Did you ever see any of the racks float off?
Ayes.

Q Where? A Between Swingle's and the second or third trestlework.

Q That was outside of the main tute was it not? Ayes.

Q You never saw any in the main tute?

A Not in the main tute.

Q In the main tute there was no backing up of the water? It was just as high above as below was it not?

A No.

Q How much difference would there be?

A Sometimes a foot.

Q And at other times how much would it be?

A Take it as a general

thing it would be 6 inches to a foot.

Q ^{when the} South wind blows how would it be? A I never took any notice

Q Did not the railroad lose more track from the wind below than it did from the water below?

A no

Q Did it not lose more embankment from the ~~water~~ ^{wind} above ^{below} than from the ~~wind~~ ^{water} below above?

A no

Q Has it not been obliged in all instances to protect its track in the same way below that it did above?

A yes. But the North winds have more effect on the water than the South winds

Q I am not asking about the North and South winds? A yes; you asked me about the low part

of the track

Q I will ask you again: Did not the railroad Company have more trouble from the South winds below than the water above?

A No, not that I know of

Q I do not speak now of the wash from the North winds

A I know what you are talking about. Notice all the rip rap on the ~~North~~ upper side is washed much worse than it is on the lower side

Q What? A Where it was rip rapped on the upper side this last Winter it was all washed out pretty nearly by the North wind. The other way the wind did not have that effect on it. The North wind is worse

than the South wind on
the embankment

Q What carries off the
track, the wind or the
water? A I should
judge the wind starts
it and the water carries
it off

Q You never saw the
water as far West, I
believe you said, as
you did during the past
month of February?

A The water was higher
I believe this last season
about further West?

A Yes

Q How was the current
in that hole last Winter?

A It was very strong.
There was one time there
it was nearly impossible
to get up to the rail-
road track with a steamer

Q That was last Winter,
was it? A Yes.

Q What is the character
of the water in that hole

generally, or how was it last Winter?

a on the other side after you get on the other side by Mike Bryce's it looks a kind of bluish black. When you get on this side it is brown

Q There is no file I believe in the main hole, is there? That is in the water way?

a what?

Q no deposit? a I never took any particular notice on the other side

Q The water generally runs clear does it not?

a The water that comes down Cash Creek as a general thing is clearer than the water on this side, that is on the Sacramento River?

a I mean the water that is running in the west hole. Was it not

generally clear or pretty clear? And it was generally a kind of a black muddyish blue, a different color.

Q Which flood did you say caused the deepest water at the Tule House, on the ground? A I think this last season there was the highest water. I do not know whether that was caused by the railroad being there or not. I know it was much higher.

Q The railroad is three quarters of a mile or a mile higher up is it not?

What would not make much difference; it would back it up.

Q Did you not tell Mr. Catlin that you saw the highest water there in 1867-68?

Alpes. At the Tule
House. But there was
no Tule House there
last year. It was all
torn down.

Q I am not talking
about the Tule House
but the ground at the
Tule House.

A I did not measure it
last year at all. But I
should judge from the
distance it went on the
upper side of the
ranch, that there was
considerably more water.

Q The water has never
been more than 4
feet on the ground at
the Tule House has it?

A Oh yes.

Q Have you ever seen
it 5 feet? Alpes. I
have seen it over a
5 foot scull.

Q Would you swear
you saw it 7 feet?

Alpes. I would because

I had an anchor down by the windmill once and we tried to reach it with a 7 foot scull but could not do it.

Q How high is the rail road embankment there?

A I don't know how high it is. I never measured it.

Q You think there were 7 feet in the ground where the old Tule House was last winter?

A That was just where the windmill was. You know where the windmill is we had an anchor there and were trying to feel it with a seven foot scull but could not get any bottom at all.

Q I believe you said the water was 4 feet deep in 1862 there? That is at the ground at the Tule House

A It was 4 feet in the lower part of the house.

Q But I want to know how deep it was in the ground there at the Tule House in 1861-2?

A I should judge it must have been 4 feet or over.

Q You think it was about 4 feet then do you? Ayes. All of that.

Q How much over?

A It must have been considerable because the lower porch there was 2 feet high and it was up over the door knobs.

Q It would be about 6 feet then. And in 1867 there was more water than in 1862?

Mr Castlin How high was the upper porch out of the water?

A I could not tell you how high it was I never

measured it. I do not know how high it was. It was pretty high I remember Wladwalade Q. And it is 6 miles from the Tule House to Davisville? All well it is 7 miles I guess. It is 6 miles from the Lytle House or from the Lytle Mound

Q How far to Woodland?

A In a straight shoot I guess about 9 miles

Q It would be 12 would it not? A I guess 9 or 10

Q When you speak of boating between here and Woodland you mean you boated up to the Elkhorn Ranch?

A Yes. That is to the end of the line

Q That is on the Sacramento River 12 miles above here? A 12 or 15 miles. We generally call it 15 miles

Q And then you crossed the tules to the end of what is called the Woodland Lane?

Ayes.

Q The tules there are how wide? A I should judge it $2\frac{1}{2}$ to 3 miles across to the lane.

Q And that is what you mean by telling Mr. Callin you did boating between here and Woodland?

Ayes. We could not go to Woodland. We would go to the lane just opposite the Elkhorn Ranch.

Q And would go up the Sacramento to that point and boat across the tule? Ayes.

Q Now has not all your boating in the tule been caused by the railroad giving way? And

Q In 1867-8 where did you do boating to?

A We ran to the Pile House ^{House}

Q From where?

A From Washington

Q What place in Washington? A From Story's, which is at the end of the bridge. Minis owned the hotel there at that time and sold it to a man by the name of Story's

Q That was not under water was it?

A The water was up to the door, right up Story's steps

Q Story's house was not more than 18 inches from the house was it?

A No. But I guess it got on his floor; towards the end of the winter I guess it did. I know towards the end of the winter by the time

the town was a swamp
we took the boat up
there and had to move
him

Q That was on the
original soil?

A I believe it was.

Q That gives you your
idea of the height of
the water in 1867-8
in Washington when
you were boating there?

A Yes. The landing
was a little higher
there, I believe, than
it was about Bill
Green's on account of
the bridge

Q That is a block
from the river?

A Yes.

Q In your boating
in 1872 where did
you start from?

A In 1872 we started
two or three blocks from
the railroad

Q There were two or three

blocks then in Washington.
out of water?

Alth yes.

Q Washington did not
get flooded at all that
winter did it?

Alth yes, the back
part of it was flooded
pretty badly

Q But I mean the
settled part of the town.
That was not flooded
was it?

A Yes.

Q There is only one
sheet in the town is
there?

A There are three or
four sheets there

Q How many blocks
back from the river
did you commence
boating?

A At one time we
could run up to Bell
Green's. Then as the
water fell we backed
out about three blocks

or four

Q What place did you start from then?

A We started from the railroad embankment and ran across to the Dule House

Q Last winter how much higher was the water in Washington than it was in 1872?

A You see the water came through into the front part of Washington in 1872, and last year it broke in above and below at Charlie Reed's place and that made a difference. But I think there must have been at least 6 or 8 inches more height.

Q Was there not 4 feet more water in Washington last winter than there was in 1872? A Well if

there was it did not extend to towards the levee

Q Was there not 4 feet more water

A It did more damage last year than it did in 1862

Q That is not what I ask you, but whether there was not 4 feet more water in Washington where you started for Woodland ^{last year than} in 1872? ~~than~~
A No

Q How much more was there?

A There could not have been over six or eight inches I think because the nearest we could get to the bridge was Bill Greens last year on the lower side, and on the upper side it was out about one and a half blocks below Hoyts.

Q Washington has never been under water has it?

A Yes

Q When?

A Every year pretty near
for the last seven eight
or ten years I guess; I
mean five or six seasons.

Q Do you mean the rear
or front part of the town

A The front part has been
under water too.

Q What year?

A In 67 the front part
was under water

Q That was the first time
you ever saw it under water

A No. In 61 and 62 it was
under water.

Q About how much

A The water was high enough
to come up to the old saw
mill there you know where
that is.

Q That was built right
on the natural ground

A That was built on the
natural ground on the
bank of the River.

Q The water did not come

Over the bank of the River
at Washington in 62 }

A Oh yes

Q You said the water
was simply up to the
saw mill and the saw
mill was right on the
River bank }

A It filled up there. There
was two feet of water in
there in parts, There was
some places where the levee
held and some places it
did not.

Q You say there might
have been two feet there }

A Yes.

Q How much water was
there last winter }

A There was no water at the
saw mill. It did not get up
to within a block and a
half of the saw mill

Q You are getting a little
Confused. Was the water
higher in Sacramento
River last winter than it
was in 62 }

A Yes.

Q How much more?

A I do not know. But I know it was considerable higher.

Q It was near three feet was it not?

A I would not be certain but I know it was considerable higher.

Re direct Examination
of
John C Green

Mr Catlin Did the water last winter go on the south side of the Rail Road farther west than it did in '62?
You say on the north side it went farther west than it did in '62.

A All the water that came up from Putah Creek came up on the south side this year and after the water began to fall there was

drain water on the north side of the road and you could go up farther with a boat.

Q With regard to the general extent of the flow of the flood last winter! did it extend farther west, over south of the Rail Road and so on down, nor confining it to the bank or on the Rail Road grade but all the way south, than it did in 62?

A I think it did.

Q From what Cause

A Because the water from Putah Creek all backed up, came up from the south, backed up. Putah Creek is below the Rail Road where the break is, and of course the water backed up all over Chiles Ranch there.

Q How was it in 62?

A It did not break so bad I think, but there was no Rail Road there at that

time.

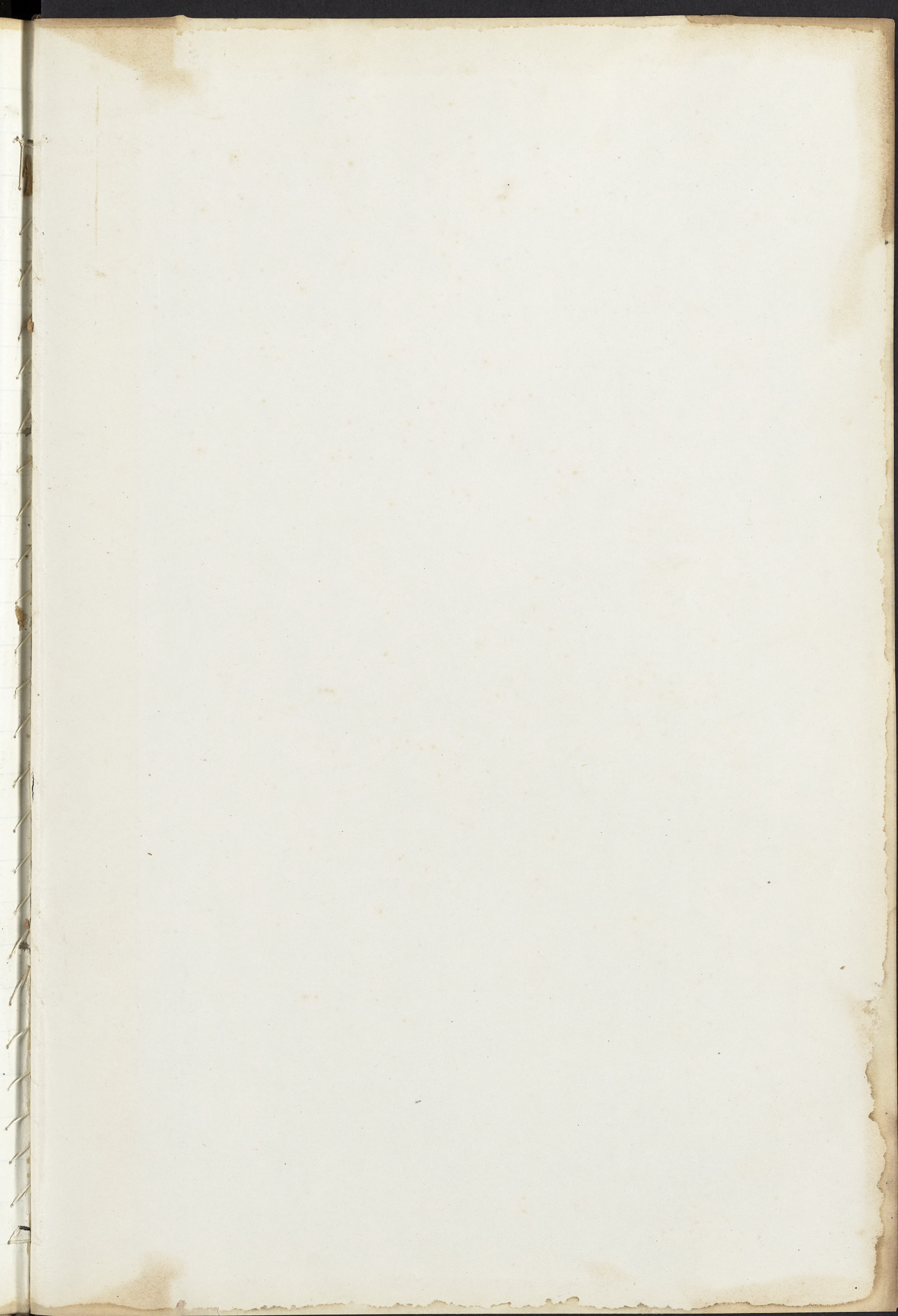
Q Comparing all these floods you have described now — five flood winters particularly you have spoken of in which navigation was carried on — which one had the greatest amount of water?

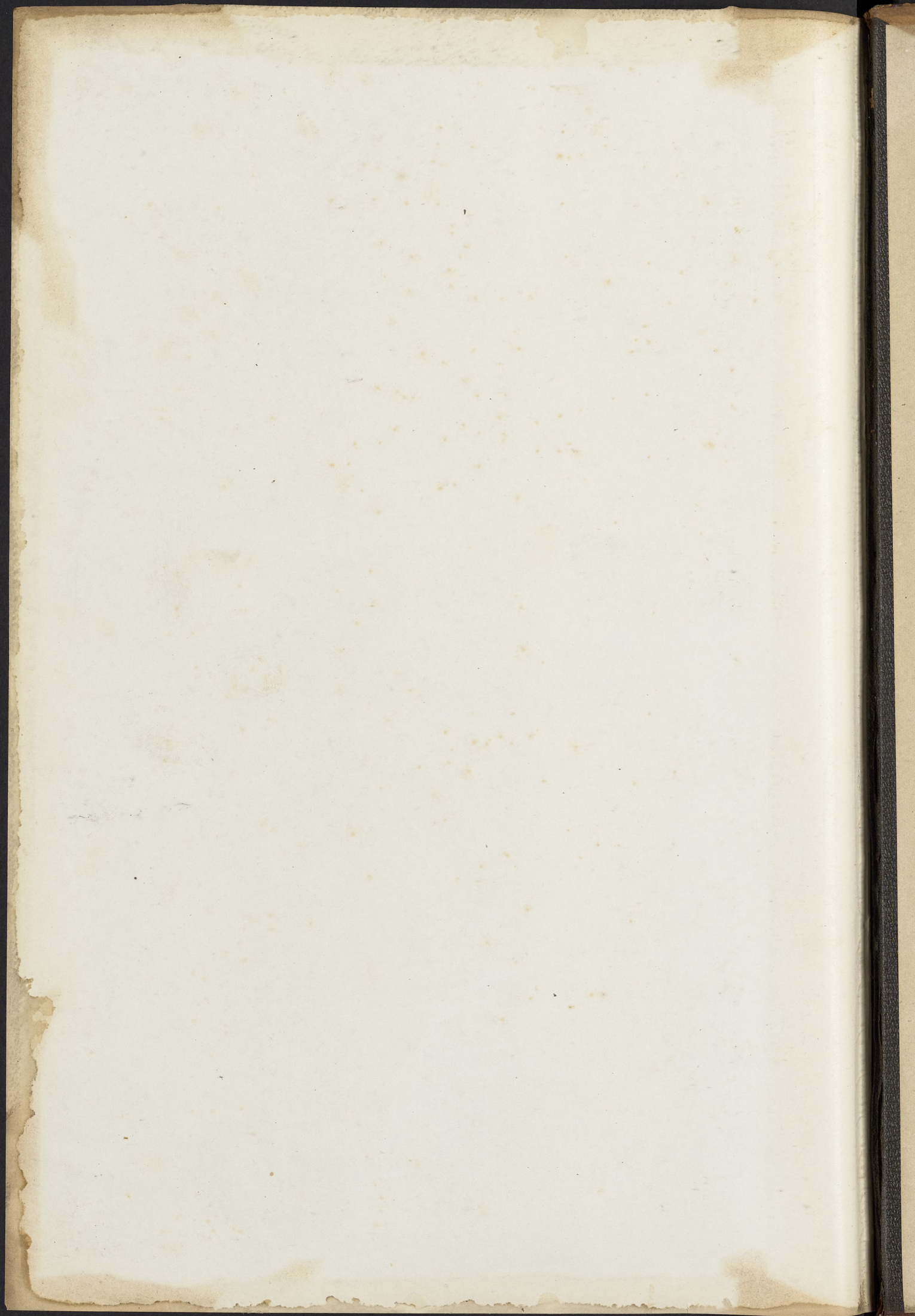
A I think there was more water there in 62, and it would have been higher if there had been this Rail Road there then.

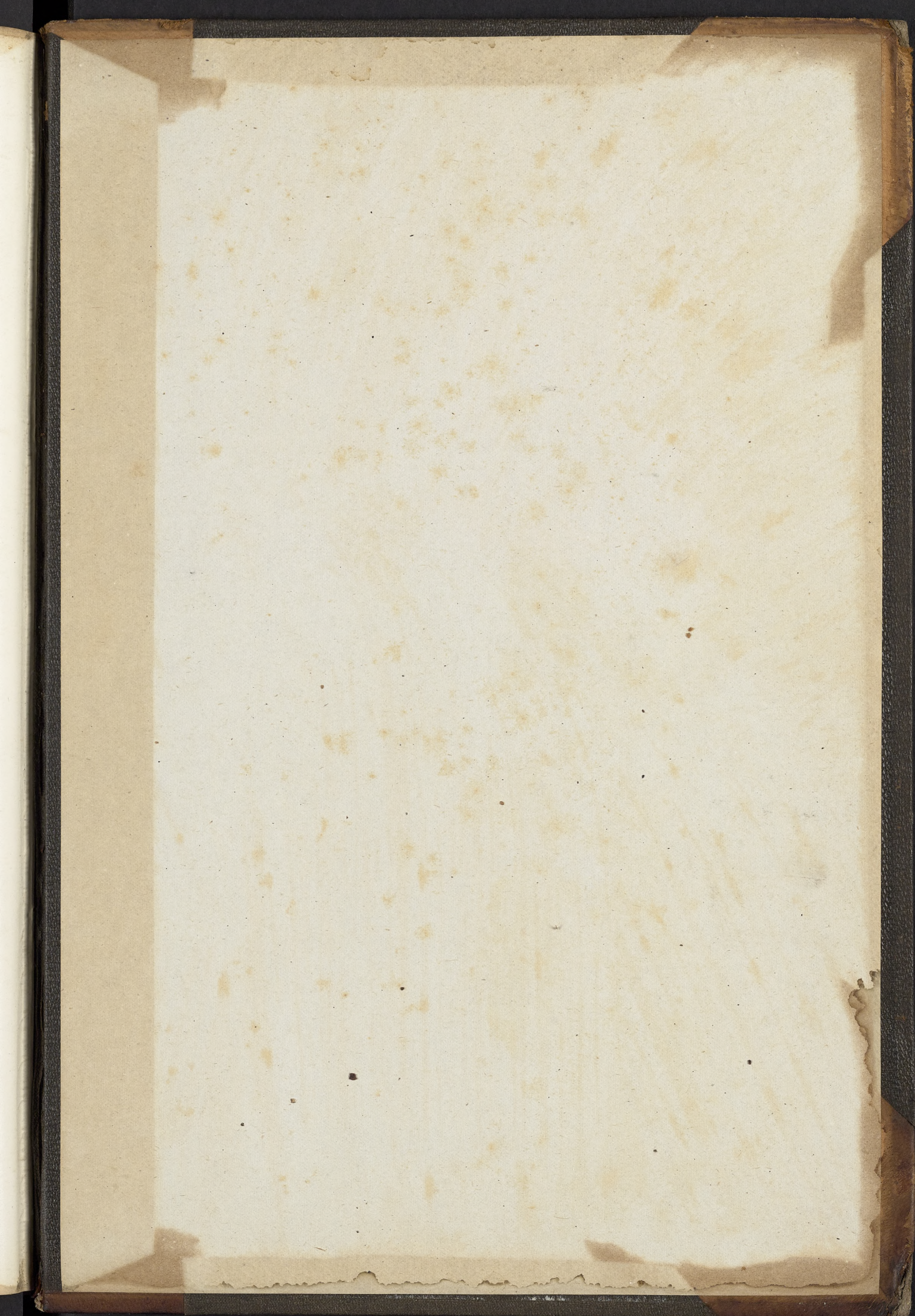
Q There was more water in 62.

A There was. That has been my idea =

Recess until
2 pm.







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